Monday,
13th December, 1954

LOK SABHA DEBATES

VOLUME IX, 1954

(6th to 24th December 1954)

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EIGHTH SESSION, 1954

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES Dated....02.12.2014

(Part I—Questions and Answers)

LOK SABHA

Monday, 13th December, 1954

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

MINING ENGINEERING AND GEOLOGY STUDENTS

***1059. Sardar Hukam Singh:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the number of Mining Engineering and Geology students who qualified during 1954 for the Diploma of Associateship of the Indian School of Mines; and

(b) the number of mining engineering students who received post-graduate practical training during 1954 so far?

The Minister in the Ministry of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) 44 and 7 respectively.

(b) 48.

Sardar Hukam Singh: Were any of these students after they qualified themselves in this manner, helped to secure advanced training abroad?

Shri K. D. Malaviya: Yes, Sir, a number of them have gone, and some have expressed their intention of going. One has applied for post-graduate training in the United Kingdom; one who wanted to start post-graduate training from January 1955 is ill at present.

Sardar Hukam Singh: Were any lecturers sent abroad during 1954 for equipment in modern and advanced training in mining.

Shri K. D. Malaviya: Lecturers in what?

Sardar Hukam Singh: Lecturers of this school, in order that they may impart up-to-date education to students in mining?

Shri K. D. Malaviya: Lecturers were not directly sent from this school. But some experts had gone abroad to study some of the latest appliances that are available there.

Sardar Hukam Singh: Besides training in the workshop and the laboratory of the School, are these students taken round to any collieries and other places of geological importance, so that they may have practical training?

Shri K. D. Malaviya: Yes, Sir, there is a scheme recommended by the Advisory Committee for the practical training of students who pass out. The question about meeting the finances of these students who were to be given practical training was examined. Pending the decision regarding the procedure of the recovery of the share that was to be given by the industry, Government are meeting the entire expenditure of the practical training that is being imparted to the students after they pass out.

Shri T. S. A. Chettiar: May I know whether Government have assessed the need for this highly specially trained people and whether they are meeting all the needs that is now felt?

Shri K. D. Malaviya: Yes, Sir, they have assessed the need of the people and the number of boys that have to be given practical training after they pass out has been increased according to the recommendation of the Advisory Committee.

BACKWARD CLASSES COMMISSION

***1061. Shri Krishnacharya Joshi:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Backward Classes Commission have submitted any interim report; and

(b) if so, what are the main items of the report?

The Deputy Minister of Home Affairs (Shri Datar): (a) No, Sir.

(b) Does not arise.

Shri Krishnacharya Joshi: May we know when their final report is expected?

Shri Datar: The report is expected by the end of this month.

Shri Thimmaiah: May we know whether the Backward Classes Commission Members have toured all the States?

Shri Datar: They have toured almost all the States.

INDIAN CITIZENSHIP TO MUSLIMS FROM PAKISTAN

***1063. Th. Lakshman Singh Charak:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have received any applications for the grant of Indian citizenship to Muslims who have returned to India from Pakistan upto the end of August, 1954; and

(b) if so, the action taken in the matter?

The Deputy Minister of Home Affairs (Shri Datar): (a) All persons, whether Muslims or non-Muslims, who returned to India from Pakistan with a permit for permanent settlement were eligible for Indian citizenship by registration, if they had completed 6 months' residence in India by 26th January, 1950. Such persons were not required to make any formal applications.

(b) 4265 persons, who were eligible for Indian citizenship, as explained above, were duly registered.

Th. Lakshman Singh Charak: May I know what is the basis on which Government decides the grant of citizenship in such cases?

Shri Datar: The whole position is made very clear in articles 5 to 11 of the Constitution. Those people who came before a certain date, namely, the 19th July, 1948, would be recognised as Indian Citizens without any difficulty. Those who came thereafter, but who have stayed in India for six months before the commencement of the Constitution and had come on permits were entitled to be recognised as Indian citizens.

Shri R. S. Diwan: Is it a fact that people coming on temporary permits from Pakistan are sentenced and convicted for a period of one or two months if they over-stay, but are allowed to stay on?

Shri Datar: I have answered this position. In such cases we take up the matter with the High Commissioner for Pakistan and through him efforts are made to send them back, because under the Agreement that has been entered into with Pakistan, it is not possible for us to force them out of India.

SILVER REFINERY PLANT

***1065. Shri M. S. Gurupadaswamy:** Will the Minister of **Finance** be pleased to state:

(a) whether the machines required for setting up the Silver Refinery Plant have since been delivered in accordance with the terms of agreement with the German firm *viz.*, "Messrs. Demag, Electro Metallurgic"; and

(b) the steps taken to set up the plant?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes, Sir. Of the three instalments in which the requisite equipment is contracted to be supplied by the firm, the first instalment has already been received, the second has also since been shipped while the third and last instalment is expected to be shipped by January, 1955.

(b) The civil engineering work of the project has been entrusted to the Central Public Works Department whereas the work of the erection of the plant has been given to a private firm *viz.*, Messrs. Sepulchre Bros. (India) Ltd., according to the terms of the Agreement executed with Messrs. Demag Electrometallurgic in connection with the manufacture and supply of the equipment. A separate deed of contract in this behalf is being executed with the former firm. The Central Public Works Department authorities have already taken the building works in hand and the erection work will start as soon as the building works have been completed.

Shri M. S. Gurupadaswamy: May I know what the total cost of the machinery would be?

Shri A. C. Guha: The firm has undertaken to supply it for £3,65,975.

Shri M. S. Gurupadaswamy: Is it a fact that most of the machinery is rebuilt: they are not original?

Shri A. C. Guha: I do not think that is correct. I have no such information with me.

Shri M. S. Gurupadaswamy: May I know whether any attempt has been made by Government to find out whether the machinery supplied is original or rebuilt?

Shri A. C. Guha: This question has not arisen to us; it is just a new question. We have however, satisfied ourselves that the machinery supplied is up to the standard and quite suitable for the purpose.

TEAM OF EXPERTS (FORD FOUNDATION)

***1067. Shri Gidwani:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the International Team appointed by Government and sponsored by the Ford Foundation to examine the problems of recruitment and training of teachers, and of the curricula in the secondary schools has reported that the salaries of teachers should be enhanced; and

(b) what are the other recommendations of the International Team?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes.

(b) The attention of the hon. member is invited to the Report of the Team entitled 'Teachers and Curricula in Secondary Schools', copies of which are available in the Library of Parliament.

Shri Gidwani: Is it a fact that the team has reported that the salaries of teachers are intolerably low and there is little hope of educational progress, unless their salaries are appreciably raised?

Dr. M. M. Das: It may be a fact.

Shri Gidwani: Is it a fact that they have recommended that the Government of India and the State Governments should declare it as their policy that the common level of teachers should be brought to the level of suitably qualified persons carrying on other public activities of comparable responsibility?

Dr. M. M. Das: It is one of the recommendations of the Central Advisory Board of Education also.

Shri Gidwani: Have Government taken any steps to implement the above recommendations?

Dr. M. M. Das: In last July the Central Education Ministry prepared a scheme for the enhancement of the salary of the teachers, both in elementary schools and secondary schools and submitted it to the cabinet. So far as the teachers of secondary schools are concerned, the total amount that the Central Government will have to pay according to the scheme is about Rs. 11 crores, which is 50 per cent. of the total enhancement figure. The Cabinet decided that questions like this involving such huge amount of expenditure could be considered only after the Report of the Taxation Enquiry Committee is received and considered.

دی منسٹر آف ایجوکیشن اینڈ نیچرل ریسورسز اینڈ سائنٹفک ریسرچ (مولانا آزاد): میں اتنی بات اور بڑھا دوں کہ اس اسکیم پر کیبینٹ نے غور کیا تھا - مگر واقعہ یہہ ہے کہ سنٹرل گورنمنٹ کیپٹل خرچ کے لئے تو روپیہ نکال سکتی ہے - لیکن سالانہ ریکرنگ خرچ کی ذمہ‌داری نہیں لے سکتی - یہ اسٹیٹ کی ذمہ‌داری ہے -

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad)**: Let me add that this scheme was considered by the Cabinet, but the fact is that the Central Government can find money for the capital expenditure but cannot assume responsibility for the annual recurring expenditure. That is a responsibility of the State.]

Shri S. N. Das: May I know whether any State Governments have expressed their wish to take actions in this regard depending on their own finances?

Dr. M. M. Das: So far as the recommendations of the Central Advisory Board on Education is concerned, the State Governments have accepted them; so, I think they have also accepted these recommendations.

NATIONAL INCOME COMMITTEE

***1071. Shri Morarka**: Will the Minister of **Finance** be pleased to state:

(a) whether Government are aware of the expert opinion expressed before the National Income Committee that it was difficult to see what use could be made of data collected by National Sample Survey for policy purposes and that more useful results could be obtained by incurring the same expenditure on other types of investigation; and

(b) if so, whether Government propose to take any action in this behalf?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) No. Sir.

(b) Does not arise.

Shri Morarka: Sir, may I invite the attention of the hon. Minister to page 136 of the National Income Committee's Report, para. (3.41.) where it is clearly stated that the view expressed before the Committee was—I am reading Sir:

> "One view of the matter is that, under Indian conditions, it would be very difficult to obtain reliable data on a subject like this where, even in countries with advanced industrialised and monetised economies with ample financial resources and fully literate populations, no attempt has been made so far on a national scale either to collect data on consumer expenditure or use them for national income purpose. According to the same view,..........".

Mr. Speaker: Order, order. How long will he take to put the question?

Shri Morarka: This is the question, Sir.

> "According to the same view, it is also difficult to see what precise use could be made of

> such data for policy purposes in India and it is contended that more useful results could be obtained by incurring the same expenditure........"

Mr. Speaker: Order, order. I will proceed to the next question.

Shri Morarka: My question was, since that expert view was expressed before this Committee, what action Government is taking in order to see that these datas are made use of by this National Income Committee or whether they are going to make any other use of such data? The hon. Minister has denied that there is no such view expressed.

Mr. Speaker: Order, order. He is making a speech and not putting a supplementary question. The question as put may be answered.

Shri M. C. Shah: Sir, I am answering to the supplementary question. The hon. Member has read only a part of para. 3.41. If he reads the whole, perhaps, the confusion will be cleared.

COLLAPSE OF TANK

***1072. Pandit D. N. Tiwary:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a reinforced cement concrete tank, recently constructed at a large cost at Sabathu (Simla Hills) under the direction and supervision of the Chief Engineer, Western Command, collapsed and over-turned towards the end of October, 1954;

(b) if so, the reasons for the collapse so soon after the completion; and

(c) the amount of expenditure incurred on the construction and the name of the firm which was given the work?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) The matter is under technical investigation; and

(c) (i) Approximately Rs. 3 lakhs.

(ii) Messrs Engineering and Industrial Corporation Ltd., Delhi.

पंडित डी० एन० तिवारी : क्या उस काम का फाइनल पेमेंट करदिया गया ?

Sardar Majithia: Yes; it has been paid.

पंडित डी० एन० तिवारी : क्या यह बात सही हैं कि वहां के चीफ इंजीनियर की लापरवाही और देखरेख की कमी की वजह से काम खराब हुआ था ?

Sardar Majithia: No; that is not correct. There was a spring beneath the concrete which caused this toppling over and I should like to add that the work was completed to the satisfaction of the Engineer.

पंडित डी० एन० तिवारी : मैं पूछना चाहता हूं कि काम कब समाप्त हुआ और उसके कितने दिनों के बाद गिर गया ?

Sardar Majithia: That hardly arises. As I have said, this was due to the spring which subsequently developed beneath that tank of which there was no knowledge before-hand, and it collapsed due to that spring and not due to faulty construction.

Pandit D. N. Tiwary: My question was: when it was completed and after how many months this fell down?

Sardar Majithia: I require notice for that.

Pandit D. N. Tiwary: May I know, after the full payment has been made if anything is found to be the defect of the contractor, how the money will be realised?

Sardar Majithia: As I said, the work was completed according to specifications and there was no faulty workmanship.

FINANCING OF CHURCHES

*1073. **Shri A. K. Gopalan:** Will the Minister of **Finance** be pleased to state:

(a) the amount of money received from foreign countries during the last five years for financing and maintaining the Churches in India;

(b) the sources of these receipts and yearly contributions from each source; and

(c) the percentage of this amount spent in India by Churches (i) for propaganda work and (ii) for charity?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). A statement giving the necessary information for the period from 1st January, 1950 to 30th June, 1954 is laid on the Table of the House. [*See* Appendix V, annexure No. 1.]

Information for the period subsequent to 30th June, 1954 is not yet available.

(c) Government have no information.

Shri V. P. Nayar: I find from the statement that from 1950 to June 1954, a sum of Rs. 29·27 crores has been received in India from various countries. May I know whether it is a fact that part of this sum is also used for political propaganda? If so, may I know what steps Government are taking to use this money completely for religious purposes?

Shri M. C. Shah: We have no information as to how much sum has been spent for propaganda and how much for charity. About the remittances, except for investments, there are no restrictions under foreign exchange regulations. Whether the sums are spent for purposes other than charity, that is for the Home Ministry to answer. They have already given all these figures to the Home Ministry.

Shri V. P. Nayar: From the answer of the hon. Minister, am I to understand that for remittances of this kind, there is no restriction to use the money so received for political propaganda?

Shri M. C. Shah: I have not said so. I said that under the foreign exchange regulations there is no restriction so far as the remittances are concerned, except for investments, and whenever the foreign remittances are received by any Church here, they are given over to banks which are dealing in foreign exchange matters. About how the money has been spent, the Finance Ministry has no information; that is a subject for the Home Ministry to find out whether it is spent for charity purposes or for political purposes and take action accordingly.

Shri T. S. A. Chettiar: May I know, when the money is being transferred from the United States here, whether the Government of India ask for particulars as to what purposes these are meant for, and if so, whether the Government have any idea whether this money is spent for evangelisation; if so, what amount?

Shri M. C. Shah: I have already said that only for investment purposes—if money is to be spent on investment—there are exchange regulations restrictions; but, so far as remittances other than investments are concerned there are no restrictions.

Shri Damodara Menon: The hon. Minister has stated about foreign exchange restrictions. I want to know whether the Government of India exercise any sort of control over the receipts by Churches and other institutions in India, from abroad?

Shri M. C. Shah: As I have already stated, that question can be addressed to the Home Ministry.

FAMILY WELFARE PROJECTS

*1074. **Shri L. Jogeswar Singh:** Will the Minister of **Education** be pleased to lay a statement on the Table of the House showing:

(a) the number of pilot projects for family welfare which have been taken up throughout India under the auspices of the Central Social Welfare Advisory Board;

(b) the nature of such projects undertaken in each State, and the scheme of financing such projects;

(c) the amount of help extended by the Government of India for such projects, State-wise; and

(d) the amount allocated to the Central Board by the Government of India?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) One.

(b) and (c). A match factory is being established in Delhi on a co-operative basis. The initial capital of Rs. 3,10,000 is, however, being provided by the Ministry of Commerce & Industry in the form of a loan of Rs. 2,50,000 and a grant of Rs. 60,000.

(d) No amount has been specifically allotted to the Board for this purpose.

Shri L. Jogeswar Singh: May I know whether any public contributions have so far been received by this Board, and if so, what is the amount?

Dr. M. M. Das: If the hon. Member means, public contribution on charity..........

Shri L. Jogeswar Singh: Financial contribution.

Dr. M. M. Das: Then we have received no such contribution.

Shri L. Jogeswar Singh: May I know if the projects are progressing satisfactorily or not?

Dr. M. M. Das: There has been only one such project which has been taken up and that is in Delhi. It has not been taken up in any other States.

Shri L. Jogeswar Singh: May I know whether some projects have been started in Manipur and if so, what is the progress of those projects?

Dr. M. M. Das: I have said that only one such project has been started and it is in Delhi—only one in the whole of India.

Shrimati A. Kale: May know whether Government is contemplating to extend the scheme all over India?

Dr. M. M. Das: There is no such proposal of setting up similar projects in other parts of the country at present.

Shrimati A. Kale: May I know why this partiality for Delhi?

Mr. Speaker: Order, order, we will go to the next question.

फौजी रिजर्व कर्मचारी

*१०७८. **श्री भक्त दर्शन :** क्या रक्षा मंत्री १७ दिसम्बर, १९५३ को पूछे गये तारांकित प्रश्न संख्या १०९२ के भाग (ग) के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि ऐसे फौजी रिजर्व कर्मचारियों की संख्या कितनी है, जिन्हें राज्य सरकारों द्वारा उपयुक्त नौकरियां दी जा चुकी हैं ?

The Deputy Minister of Defence (Sardar Majithia): Government of India are not in possession of the required information which has been called from all the State Governments and will be placed on the Table of the House in due course.

श्री भक्त दर्शन : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि अब तक कुल कितने सैनिक रिजर्व में भेजे जा चुके हैं ?

Sardar Majithia: I require notice for that question.

श्री भक्त दर्शन : शायद करीब एक वर्ष हो गया जब कि केन्द्रीय सरकार की ओर से इस

तरह का कोई परिपत्र राज्य----सरकारों को भेजा गया था, तो क्या उस सम्बन्ध में उनको कोई स्मरण-पत्र भेजा गया हैं या भेजे जाने का विचार किया जा रहा हैं ?

Sardar Majithia: The hon. Member is correct and we did ask the State Governments to give preference to these personnel. As I have already said, information has been called for on what they have done in the matter and it will be laid on the Table of the House in due course.

Pandit D. N. Tiwary: May I know if this question relates to a question dated the 10th December, 1953? If so, how long will it take for the Government to collect the information if it has not been collected yet?

Sardar Majithia: If the hon. Member had read that question which was asked on that date, he will find that it only related to what the Government of India has done. Now, he wants information as to what has been done by the State Governments. That, as I said, is being collected.

EXPENDITURE ON CHANDIGARH PROJECT

***1081. Shrimati Tarkeshwari Sinha:** Will the Minister of **Finance** be pleased to refer to the reply given to starred question No. 2284 on the 6th May, 1954 and state:

(a) whether the Government of Punjab have asked for any further loan from the Government of India for the Chandigarh Capital Project Administration;

(b) whether Government propose to advance the loan; and

(c) if so, how much?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) Yes. Punjab Government have asked for loan assistance in the current year for the purpose of Chandigarh Project as follows:—

(i) Rs. 125 lakhs towards the Project proper (towards which they had originally asked for Rs. 168 lakhs);

(ii) Rs. one crore for re-lending to site-holders at Chandigarh for private construction of houses; and

(iii) Rs. 44 lakhs for the construction of 334 additional houses on Government account for permanent Government staff at Chandigarh.

(b) and (c). The Government of India have agreed to lend Rs. 125 lakhs to the Punjab Government for the Chandigarh Capital Project as a part of Central assistance in the current year; and also to lend a sum of Rs. one crore for being re-lent to site-holders on a scheme to be decided on in consultation with the Government of India.

As regards the request for Rs. 44 lakhs for the building of 334 additional houses on Government account in Chandigarh, the State Government have been informed that additional financial assistance for this purpose from the Central Government will not be available.

Shrimati Tarkeshwari Sinha: Can we have an idea of the approximate gap between expenditure and revenue on Chandigarh Capital Administration and the reasons for this gap?

Shri M. C. Shah: That will be for the Punjab Government to say. So far as we are concerned, we can just say about the assistance to be given by the Central Government. I can say that the capital expenditure for the project will be about Rs. 16.5 crores out of which Rs. 10 crores will be spent during the Plan period. The assistance given will be Rs. 6 crores.

Shrimati Tarkeshwari Sinha: In view of the large financial help given to Punjab Government from time to time, do Government feel it desirable to check how the money is spent there?

Shri M. C. Shah: That is always there. When we give such assistance to any Government we always see whether that assistance is necessary. The project is also looked into by the Central Government. Thereafter, a certain proportion of the expenditure is given as assistance from the Centre. We always look into these things.

Shrimati Tarkeshwari Sinha: What has been the total expenditure incurred by the Project Administration? And how much expenditure will be incurred in future?

Shri M. C. Shah: As I said, the total project expenditure is Rs. 16·5 crores. Rs. 6 crores were to be given by the Central Government towards this expenditure in the Plan period. Out of this, Rs. 3 crores were given by the Rehabilitation Ministry for rehabilitation purposes and that has to be taken into account. The balance of Rs. 3 crores has to be given. Last year we gave Rs. 75 lakhs. Out of the balance of Rs. 225 lakhs, Rs. 125 lakhs was agreed to be given in the current year and Rs. 100 lakhs next year. After some discussions there were revised estimates with regard to the entire Planned assistance and the planned expenditure itself has increased. I can tell you about that also. The original estimate was Rs. 20·2 crores and the Central assistance was about Rs. 11 crores. The revised estimates are Rs. 27·3 crores and the revised Central assistance would be 16·37 crores. In these revised estimates, expenditure on this Chandigarh Capital Project is also included.

Sardar Hukam Singh: When asking for fresh loans, did the Punjab Government give any explanation as to why the private builders, in spite of the provision of so many facilities, were not coming up to build constructions?

Shri M. C. Shah: That was also enquired into. It was found that the plots were purchased by the refugees. They could not make provision for the construction work. That was the only cause, namely, purchase of plots by refugees and by persons of small means. Therefore, they wanted to give loans to these persons to construct these plots. So Rs. 1 crore was to be given as loan to the Punjab Government for being relent to site-holders in order that they may be able to build on their plots.

SALES TAX

***1085. Shri K. C. Sodhia:** Will the Minister of **Finance** be pleased to state:

(a) the specific recommendations that were made by the Officials Committee on Sales Tax and the progress that has been made in this matter;

(b) whether Government are aware of the difficulties of the trade with regard to inter-State transactions in this connection; and

(c) when Government are likely to come to definite conclusions in this matter?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) The recommendations made by the Officials Committee in their Interim Scheme were outlined in the Press Note issued on the 11th February, 1954. Copies are placed on the Table of the House. [*See* Appendix V, annexure No. 2.]

(b) Yes, Sir.

(c) Government propose to take up the matter again in the light of the recommendations made in the Report of the Taxation Enquiry Commission.

Shri K. C. Sodhia: Do Government think that the present arrangements, though they are only temporary, are likely to encourage inter-State trade?

Shri M. C. Shah: Government know the difficulties with regard to the inter-State trade and as I just now said, after considering the report of the Taxation Enquiry Commission, whatever is possible will be done.

Shri K. C. Sodhia: Does not the Constitution provide that in this matter, the Central Government have got a definite responsibility?

Shri M. C. Shah: Article 286 is very clear on the point. Government have come to the conclusion that after the consideration of the recommendations of the Taxation Enquiry Commission, these things can be considered. Government will then consider what legislative action can be taken under article 286.

Shri K. C. Sodhia: What is the total time that they are likely to take over this matter?

Shri M. C. Shah: We are very keen to have this matter settled as early as possible.

NATIONAL PHYSICAL LABORATORY

***1086. Shri R. S. Diwan:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state the main items of research done by the National Physical Laboratory, New Delhi since its inception which have been useful to the existing industries in the country or have helped to start new ones?

The Minister in the Ministry of Natural Resources and Scientific Research (Shri K. D. Malaviya): A statement giving the required information is laid on the Table of the House. [*See* Appendix V, annexure No. 3.]

Shri R. S. Diwan: May I know if there is any organisation or body to keep liaison between the industrialists and the laboratory?

Shri K. D. Malaviya: Yes, Sir. There is an organisation in the Ministry—the National Research Development Corporation—which is concerned with pilot scale experimentation.

Shri R. S. Diwan: May I know if the scientist takes the initiative himself on certain fundamental problems and if the authorities there assist and encourage him?

Shri K. D. Malaviya: Scientists receive all possible encouragement to examine and pursue their research work in the laboratory.

Shri R. S. Diwan: May I know if they are given assistance and encouragement by the people who are responsible there?

Shri K. D. Malaviya: Yes, obviously.

Shri R. S. Diwan: May I know if one of the scientists there had brought out a thermo-electrical generator which will be a better substitute for running a radio? May I also know if he was not given proper assistance and encouragement?

Shri K. D. Malaviya: I have no specific information regarding what has been referred to by the hon. Member. If he has any information, he can pass it on to me so that I might examine it.

BISPAT (IMMATURE TOBACCO LEAVES)

***1088. Shri Barman:** Will the Minister of **Finance** be pleased to refer to the reply given to starred question No. 955 on the 15th September, 1954 and state:

(a) whether after the recession of floods in North Bengal (Cooch-Behar and Jalpaiguri Districts), any further steps have been taken to ascertain the quantity of 'Bispat' (immature tobacco leaves); and

(b) whether Government have decided to preserve 'Bispat' by conceding it a lower rate of duty?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes, Sir. Accurate statistics are not available. It is, however, estimated that the quantity of 'Bispat' (immature tobacco leaves) to the total quantity of tobacco produced in West Bengal would be less than 2 per cent.

(b) No, Sir. Government have not come to any such decision.

I may state, Sir, that on the previous occasion I gave an assurance that I would make some enquiries. In pursuance of that assurance a statement has been laid on the Table of the House giving all the information that we could collect in the mean time.

Shri Barman: May I know when that statement was laid on the Table?

Shri A. C. Guha: On the 1st December, 1954.

Shri Barman: In view of the fact that the hon. Minister agreed that due to this duty 'Bispat' collection is uneconomic, did he enquire whether 'Bispat' collection has been discontinued after this rate of duty has been introduced?

Shri A. C. Guha: This has not probably anything much to do with the duty. There are several other reasons for it. The Collection of 'Bispat' tobacco has been more or less discontinued. I think the primary reason is that the East Bengal market is closed to them. And cultivators use this tobacco as manure on their field. So this responsibility cannot be laid on the high duty.

Shri Barman: Accepting the reasons that have been given by the hon. Minister, is it not a fact that 'Bispat' tobacco will bring some money to the growers, and if some lower rate of duty is imposed Government will have some revenue and the growers will have some money for their labour?

Shri A. C. Guha: I do not think this will give much benefit to the cultivators. On the other hand this would involve Government into quite a number of administrative difficulties, because tobacco is assessed on certain varieties, not on the price that each quality of tobacco would bring. So if we introduce different rates of excise duty because of the lower price, then this will involve us in all sorts of variations throughout the country, because the price of tobacco varies from a few annas to several rupees per lb. As I said, it is not on the price of the tobacco that the excise duty is levied but according to the categories, on three or four categories.

SANCHI STUPA

***1089. Shri Veeraswamy:** Will the Minister of **Education** be pleased to state:

(a) whether the *Sanchi Stupa* is a Protected Monument;

(b) if so, the nature of the repairs done to it in the recent years; and

(c) the amount spent for the maintenance of the *Stupa* during the last three years up to the 31st October, 1954?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes.

(b) Routine repairs such as pointing, edging of the broken plaster, fixing up of the stone flags of pavements, water-tightening of the walls of stupas and monastries as well as surroundings were carried out in 1953 and 1954.

(c) Rs. 73,344

Shri Veeraswamy: In view of the historical importance of the Buddha's monument at Sanchi may I know whether Government have drawn up any scheme to develop Sanchi with rest houses and proper roads at the foot of the hill and also the pathways leading to the top of the hill?

Dr. M. M. Das: So far as rest houses are concerned there are already two rest houses managed by the State Government. These stupas and relics are very near to the railway station, within two minutes' walk. So the question of development of transport does not arise.

Shri Veeraswamy: May I know whether the hon. Parliamentary Secretary is aware of the fact that the pathway leading to the top of the hill is so bad that the visitors find it very difficult to go up?

Dr. M. M. Das: I have no personal experience, but if that is fact I do not know what can be done immediately.

Shri Veeraswamy *rose*—

Mr. Speaker: It is comparatively a small matter.

SOCIAL WELFARE BOARD

***1090. Shri Ram Dass:** Will the Minister of **Education** be pleased to state the results of the survey that the Social Welfare Board has so far carried out on the welfare needs of the community and the country?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): No exhaustive nation-wide survey has been carried out by the Social Welfare Board.

श्री राम दास : क्या मैं पूछ सकता हूं कि यह बोर्ड कब बनाया गया था ?

Mr. Speaker: When was the Board formed?

Dr. M. M. Das: The Board was formed on 12th August, 1953, if I remember aright.

श्री राम दास : इस अर्से में क्या इस बोर्ड ने कोई रिपोर्ट पेश की हैं ?

شکشا و پراکرتک سلسادھن تتھا ویگیانک گویشنا منتری (مولانا آزاد) : رپورٹ کا سوال ابھی پیدا نہیں ھوتا - بورڈ نے اپنا ضروری اسٹاف مقرر کیا ھے - انسپکٹر مقرر کئے ھیں وہ اپنا کام کر رھا ھے -

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** The question of a report does not arise at this stage. The Board has appointed necessary staff including some Inspectors and is functioning.]

श्री राम दास : इस बोर्ड की जो एक्टिविटीज हैं वे सिर्फ शहरों तक ही महदूद हैं या गांवों के साथ भी उसका कोई ताल्लुक हैं ?

مولانا آزاد : اس کا تعلق دونوں سے ھے -

[**Maulana Azad:** It is concerned with both.]

श्री गिडवानी : यह जो बोर्ड हैं वह बिलकुल खुद्मुख्तियार हैं, या उसके खर्च पर कोई सरकारी नजरदारी भी होती हैं ?

مولانا آزاد : ایجوکیشن منسٹری کی طرف سے اختیار دیا گیا ھے کہ وہ ۱۵ ھزار روپیے تک کسی ایک معاملے میں خرچ کر سکتا ھے - ۱۵ ھزار روپیہ سے زیادہ رقم کے جو معاملے ھوئے ھیں وہ ایجوکیشن منسٹر کے سامنے آئے ھیں - بورڈ آٹانمس ھے اس کو کام کرنے کا اختیار دیا گیا ھے -

[**Maulana Azad:** The Ministry of Education has authorised the Board to spend money amounting to Rs. 15,000 on any one matter. Matters exceeding Rs. 15,000 are placed before the Minister. The Board is autonomous and has been authorised to function.]

COAL DEPOSITS (MIRZAPUR)

***1091. Shri Bishwa Nath Roy:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether any survey has been made for ascertaining whether there are coal deposits in Singrauli-Kota area in Mirzapur District (U.P.); and

(b) if so, whether any scheme is under consideration for exploiting these coal deposits?

The Minister in the Ministry of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) Government have no information. Exploitation of minerals is the responsibility of State Governments.

EMPLOYEES OF DEFENCE ESTABLISHMENT

***1093. Shri Amjad Ali:** Will the Minister of **Defence** be pleased to refer to the reply given to starred question No. 805 on the 11th September, 1954 and state:

(a) when a 'negotiating machinery' to settle disputes between workers and the Government in the various Defence establishments is likely to be set up; and

(b) what will be the nature of the negotiating machinery?

The Deputy Minister of Defence (Shri Satish Chandra): (a) The negotiating machinery has already been set up.

(b) The machinery will be bipartite in character, *i.e.*, it will consist of representatives of Government on the one hand and the representatives of the workers in Defence installations on the other. It will be in three tiers, *i.e.*, negotiation between Government and the workers will be carried on at three levels, namely (a) Unit/Factory/Depot. (b) Command/Air Headquarters/Naval Headquarters/Director-General Ordnance Factory and (c) Government.

RESEARCH SCHOLARS

***1095. Sardar Hukam Singh:** Will the Minister of **Education** be pleased to state:

(a) whether it is proposed to extend further the scheme for the training of research scholars in pursuance of the recommendations of the Scientific Manpower Committee;

(b) the number of scholars receiving training in various institutions at present; and

(c) whether all the persons trained so far under the scheme have been absorbed in service?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes. The research scholarships have been allotted to Universities and other Institutions on long-term basis. The question of instituting additional scholarships is also under consideration.

(b) 429 scholars are under training at present.

(c) Of the 230 scholars so far trained. 167 have been absorbed in service and 45 are doing advanced research in India or abroad. 6 scholars are reported to be not yet employed and information about the remaining 12 is not available.

Sardar Hukam Singh: What is th percentage of output of engineering and technological institutions to be covered by the stipends instituted by our Government?

Dr. M. M. Das: The information is not at my disposal.

Sardar Hukam Singh: May I know whether the Government made any request to the private industrialists to contribute some amounts towards the grant of these stipends?

Dr. M. M. Das: Government made such requests in relation to another scheme, the Practical Training Scheme, in which some of the industries participated.

CULTURAL ACTIVITIES

***1096. Shri Krishnacharya Joshi:** Will the Minister of **Education** be pleased to state:

(a) the number of persons who were deputed to foreign countries to deliver lectures on cultural subjects of mutual interest and to develop friendly relations during 1954 so far; and

(b) the names of countries visited by them?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) One, as far as Government is concerned.

(b) British West Indies. British Guiana and Jamaica.

Shri Krishnacharya Joshi: May I know, whether the Indian Council of Cultural Relations have sent any person to deliver lectures in foreign countries?

Dr. M. M. Das: Yes. The Indian Council of Cultural Relations have also sent three persons for lecture tours.

Shri Krishnacharya Joshi: What is the expenditure incurred in sending these persons to foreign countries?

Dr. M. M. Das: The persons sent by the Indian Council of Cultural Relations were Mr. S. C. Dixit who was on a salary of Rs. 600 per mensem, Sri Mahatam Singh who was staying for one year on a salary of Rs. 600 per month and the third person was Dr. S. K. Chatterjee. An amount of Rs. 4300 was spent by the Council for Mr. Chatterjee.

Shri Krishnacharya Joshi: May I know, whether they submitted any report after their arrival here?

شکشا و پراکرتک سنسادھن تتھا ویگیانک گویشنا منتری (مولانا آزاد) : ھاں ڈاکٹر الٹیکر نے ایک رپورٹ بھیجی ھے ۔

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** Yes. Dr. Altekar has submitted a report.]

Shri Heda: What were the subjects on which these persons lectured?

Dr. M. M. Das: Prof. Altekar, Professor in Ancient History and Culture of Patna University was giving lectures on different aspects of Indian culture, Gandhian philosophy and other subjects.

Shri H. G. Vaishnav: May I know, whether apart from cultural subjects, any subjects of ancient culture were dealt by them?

Dr. M. M. Das: Culture also includes ancient culture.

CANTEENS

*1098. **Shri Jhulan Sinha:** Will the Minister of **Defence** be pleased to state:

(a) whether the taking over of the Services Canteens of the Canteen Stores Department by the units themselves has resulted in increased welfare of the troops;

(b) if so, the amount earned as profits since the taking over; and

(c) the amount spent on welfare activities?

The Deputy Minister of Defence (Sardar Majithia): (a) to (c). The taking over of Services Canteens from the contractors by the units has resulted in the increased welfare of the troops. While no assessment of accumulative profit of all the unit-run canteens is possible, the gross profits of a unit of an Infantry Battalion strength are estimated at Rs. 600 per month. The profits earned by unit-run canteens are spent by the units themselves to secure the maximum welfare of the troops. As the Canteen Stores Department (India), consequent on the abolition of the system of Contractors, is now undertaking retail sales in addition to the normal wholesale business, it is likely to earn more profits which will enable a larger sum to be allocated to the three Services for welfare and amenity purposes. During the last three years it has been possible to earmark from the net profits of Canteen Stores Department (India) amounts of Rs. 7 lakhs, 8 lakhs and 9½ lakhs respectively for amenity purposes.

Shri Jhulan Sinha: May I know, Sir, if the encouraging result gained by this Department has been passed on to other Ministries?

Sardar Majithia: It is up to the other Ministries to take help from them.

Shri Bhagwat Jha Azad: May I know whether the employees working in such canteens have been given the status of government employees?

Sardar Majithia: They are not government employees.

Shri Gidwani: May I know, whether there had been any representation that they should be treated as permanent servants?

Sardar Majithia: Yes, a representation has been made.

ORDNANCE FACTORIES

***1099. Shri Tushar Chatterjea:** Will the Minister of **Defence** be pleased to state the reasons why 700 out of 1,600 Checkers in Ordnance Factories have not been converted to Lower Division Clerks though the Kalyanwala Committee's recommendations in this regard were very clear?

The Deputy Minister of Defence (Shri Satish Chandra): The recommendations of the members of the Kalyanwala Committee in regard to Checkers were not unanimous. After considering the recommendations Government decided that only those posts of Checkers the duties of which can be regarded as substantially clerical should be reclassified as Lower Division Clerks and the remaining posts should continue to be designated as Checkers. On this basis 955 Checkers out of 1804 have been reclassified as Lower Division Clerks. However, representations have been received that the duties of some of the categories of Checkers left out are also Clerical and they should also be classified as Lower Division Clerks. The matter is being examined further.

Shri M. S. Gurupadaswamy: May I know, whether after the Chairman died, the two members of the Kalyanwala Committee submitted different reports on different items? May I also know the recommendation of which member has been accepted?

Shri Satish Chandra: There were two members. The Chairman died unfortunately when the Committee was proceeding with its deliberations and so the recommendations of Mr. Ghosh were accepted.

Shri M. S. Gurupadaswamy: Why not the other?

Shri Satish Chandra: Only the recommendations of one could be accepted as they were divergent.

EXPENDITURE ON CUSTOMS POSTS

***1100. Th. Lakshman Singh Charak:** Will the Minister of **Finance** be pleased to state:

(a) the amount to be spent in taking over the control of the customs posts on the borders of Tibet and Leh;

(b) whether any official team from Centre was sent to investigate the position; and

(c) if so, whether any report has been submitted by them?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) The Government of Jammu and Kashmir maintained two land customs posts on the Leh-Tibet border. The Customs administration on the borders of the State was recently taken over by the Government of India, and the question whether these two land customs posts should continue to be maintained is under consideration. If they should be continued the expenditure is expected to be negligible: on State Government's expenditure on the two posts was about Rs. 300 per month.

(b) An official team was sent over to the Jammu and Kashmir State to make a survey of the Customs and "Central" Excise administration of the State preliminary to the Government of Indian taking over that administration. The team did not visit the Leh-Tibet border.

(c) Yes, Sir.

GEOLOGICAL SURVEY (MANIPUR)

***1102. Shri L. Jogeswar Singh:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that a geological survey of Manipur State is proposed to be undertaken;

(b) if so, when; and

(c) the prospects of mineral resources in Manipur as shown by any previous preliminary survey?

The Minister in the Ministry of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) During the winter season 1954-55.

(c) A reconnaissance survey carried out in parts of Manipur State in 1947-48 indicated the occurrences of Limestone, Brine (Salt) and Iron-ore.

Shri L. Jogeswar Singh: May I know what is the estimated expenditure of the survey?.

Shri K. D. Malaviya: We generally do not make any estimate of the financial involvement surveywise. Survey programmes are fixed according to needs and whatever money is spent is borne by the Ministry in the department of the G.S.I.

Shri L. Jogeswar Singh: May I know whether it is a fact that a recent survey has shown coal deposits in that State and if so, what steps have been taken in the matter?

Shri K. D. Malaviya: As I said, there are indications of certain minerals. Coal also has been indicated in certain areas. As to exploitation of the coal or any other minerals, I am afraid the Government of India is not informed as this is a State subject.

श्रीमती कमलेंदुमति शाह : क्या मैं जान सकती हूं कि क्या और जिलों में भी जियोलाजिकल सर्वे हो रहा हैं, और अगर हो रहा हैं, तो किन किन जिलों में हो रहा हैं ?

श्री के० डी० मालवीय : हिन्दुस्तान की सभी मुनासिब जगहों पर सर्वे हो रहा हैं ।

EXTERNAL ASSISTANCE

*1103. **Shri Morarka:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that out of the total external assistance of Rs. 116·7 crores for the Five Year Plan only a sum of Rs. 36·2 crores has been utilised during the last three years; and

(b) if so, what steps are being taken to utilise the balance during the remaining period of the Plan?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) Rs. 116·7 crores is the total assistance that has been authorised upto August 1954. The foreign assistance that is authorised is mainly utilised for the procurement of equipment and materials on agreed projects, commitments for which purpose are made after the authorised amounts are known. The sum of Rs. 36·2 crores represents the value of the equipment and materials that had been received upto the 31st March, 1954.

(b) The slow utilisation of external assistance is due to the delays involved in the procurement procedures. Steps have already been taken for quicker utilisation by the selection of projects for utilisation well in advance, cutting out delays on procurement procedures and association of officers from the projects with the procurement.

Shri Morarka: May I know if it is a fact that the foreign loan has been fully utilised while the amount of foreign grants has been utilised only to some extent?

Shri M. C. Shah: As I said, there are reasons for the delay in the utilisation of grants. The first is, the projects have to be prepared in advance. Then there is the authorisation and notification of the authorisation. There is some time-lag between these things. Thereafter, we have to prepare a list of the equipment and material. At times these are very complicated matters also, and usually it takes some time. Therefore, there is delay in utilisation of the foreign assistance by way of grants.

Shri Morarka: May I know if any portion of these foreign grants is not utilised during this Five-Year Plan period, whether any of these grants is likely to lapse?

Shri M. C. Shah: No grant will lapse. Before June, 1956 there will be utilisation of these grants entirely.

Shri Raghuramaiah: The hon. Minister has stated that figure of Rs. 36·2 crores represented the material brought into this country up to March, 1954. Since the period is August, 1954, may we know whether there are any flugres to show what materials have been brought into the country between March and August, 1954—the value of that?

Shri M. C. Shah: I said these figures are not before me just now, but I can just say that separate orders have been already made, but it is a big list. Some of these will be coming in 1954-55 and some in 1955-56. They include locomotives and railway rolling stock. Then Rs. 10 crores for river valley and power projects; then there are Rs. 12 crores for steel, and so on and so forth. There is a big list.

UNESCO ADVISORY COMMITTEE ON ARID ZONE

***1104. Shrimati Tarkeshwari Sinha:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that the Arid Zone Committee consisting of foreign scientists toured in Rajasthan, Saurashtra and Kutch; and

(b) whether they have expressed their opinion that with the application of scientific skill, the desert area can be reclaimed and rehabilitated?

The Minister in the Ministry of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) The scientists made a study tour of Rajasthan and Saurashtra.

(b) No, Sir.

Shrimati Tarkeshwari Sinha: May I know whether that Committee have recommended the establishment of a pilot project to start the work in this direction, and what has been the reaction of UNESCO in regard to it?

Shri K. D. Malaviya: There is no particular pilot project recommended by this Committee. The symposium discussed certain matters and some of them were very interesting for us. Then, they made a study tour of Saurashtra and Rajasthan. There was no intention to ask for any report from the experts, but if any individual wanted to send to the Advisory Committee a report, he was quite welcome.

Shri Karni Singhji: May I know whether one of the United Nations experts who has toured Rajasthan feels that the grazing of sheep and goats is mainly responsible for the spread of the desert?

Shri K. D. Malaviya: That is one of the views of experts.

EXPENDITURE ON EDUCATION

***1106. Shri Gidwani:** Will the Minister of **Education** be pleased to state the amount actually expended by the Centre upto the 31st October, 1954 out of the total provision for education made in the Five Year Plan?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The pattern of expenditure for the period ending 1953-54 is contained in Chapter XIII of the Five Year Plan Progress Report 1953-54, copies of which are available in the Library of Parliament. The actual amount expended upto 31st October, 1954 is being collected and will be furnished later.

Shri Gidwani: Is it a fact that the total amount provided will not be expanded in the Plan period?

Dr. M. M. Das: That is a question about the future. We do not know about the future.

Shri Gidwani: Because, at the rate at which progress is going on, it is almost certain that the whole amount will not be spent.

شکشا و پراکرتک سنسادھن تتھا

ویگیانک گویشنا منتری (مولانا آزاد) - جہاں تک تعلیم کا تعلق ھے اس طرح کا اندیشہ ھمیں نہیں ھے -

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** As far as education is concerned we have no such fear.]

Shri Gidwani: What are the steps being taken to liquidate illiteracy in India and spend that money?

Dr. M. M. Das: That is a different question, and I have answered that question several times on the floor of this House.

Shri Bhagwat Jha Azad: In the major part of the Plan, the major part of the amount has been spent. We want to know the percentage of increase there is in the country in the field of literacy as a result of this expenditure.

Dr. M. M. Das: I do not remember the figures exactly, but I have told this House the increases and the results that we have obtained.

Shri Bhagwat Jha Azad: These figures are not in that report.

CUSTOMS

***1108. Shri Amjad Ali:** Will the Minister of **Finance** be pleased to state:

(a) whether any representation for the withdrawal of customs cordon around the former French Settlement has been received; and

(b) the action Government propose to take in the matter?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes, Sir. In order to clarify Government's policy in this matter, I am placing a statement on the Table of the House. [*See* Appendix V, annexure No. 4.]

(b) Government will continue to maintain the Land Customs cordon only as long as the circumstances there would require its continuance.

Shri M. S. Gurupadaswamy: What are the circumstances which require the continuation?

Shri A. C. Guha: That has been mentioned in that statement laid on the Table of the House. I can only say that this is a very delicate matter and different Ministries are involved. And that is why we have decided to place a statement on the Table rather than to give a short reply to the question.

FOREIGN MISSIONARIES

***1109. Shri Krishnacharya Joshi:** Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of Foreign Missionaries who have come to India so far during 1954; and

(b) the names of States where they are residing?

The Deputy Minister of Home Affairs (Shri Datar): (a) Information as to the number of Foreign Missionaries who have come to India so far during 1954 is not available. However, according to the information available, 355 Foreign Missionaries were granted visas for India during the said period.

(b) Almost all the States in India.

Shri Krishnamachari Joshi: May I know what enquiries are made and what precautions are taken before granting visas to these persons?

Shri Datar: The usual enquiries are made as to the purposes for which they come to India and how long they are going to stay in India.

Shri Krishnacharya Joshi: May I know how many new missionaries have come during this period?

Shri Datar: I should like to ask for notice.

Shrimati A. Kale: Is any watch kept on their activities?

Shri Datar: There is no question of keeping any watch, but if it is found that they are carrying on objectionable activities, then notice is duly taken.

Shri Bhagwat Jha Azad: Is it in the knowledge of the Government and have Government received such information that missionaries in the district of Santhal Parganas are not only refusing admission to students in their missionary schools unless they embrace Christianity, but they also threaten them with certain other measures if they do not embrace Christianity?

Shri Datar: I have heard some such representation when I visited Santhal Parganas district, and we are making enquiries into the matter.

Shri Punnoose: Before granting them visas, do Government examine the question whether the Indian Christians want those missionaries here?

Shri Datar: That is one question which is also taken into account.

CENTRAL SCHOLARSHIPS FOR ARTISTES

***1112. Shri L. Jogeswar Singh: Will the Minister of Education be pleased to state:**

(a) whether it is a fact that no cultural scholarships have been given to the artistes for Manipuri dances; and

(b) if so, the reasons therefor?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir, if the reference is to awards under the Government of India scheme of scholarships to young workers in different cultural fields.

(b) There were no suitable candidates. The basis and mode of selection was explained by Government in their Press Note issued on 9th November, 1954.

Shri L. Jogeswar Singh: May I know whether it is a fact that the artistes for Kathakali and Kathak were given scholarships whereas the artistes for Manipuri dance were not given scholarships?

Dr. M. M. Das: There were three applications for Manipuri dance, but none of these applicants was found to be eligible.

Shri L. Jogeswar Singh: How can the Minister say that none of them was found suitable?

Dr. M. M. Das: None of them were found to be eilgible. When they were not eligible, that means that they did not deserve to be eligible.

WRITTEN ANSWERS TO QUESTIONS

SECURITIES

***1060. Pandit Munishwar Datt Upadhayay:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government now do not insist upon investment in Government securities through Reserve Bank of the accumulated profits received in India, for securing exemption from taxation;

(b) what is the amount of such accumulated profits and the reasons for making the above concession; and

(c) what have been the remittances and re-investments in the Government securities during the years 1951-52, 1952-53 and 1953-54?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) Yes, the condition that half the amount should be deposited with the Reserve Bank for investment in Government securities has been removed in respect of remittances of foreign profits received in India after September, 30, 1954.

(b) About Rs. 37·56 lakhs in the three years ending 1953-54. The condition that half the amount should be deposited was prescribed as an anti-inflationary measure. Circumstances have now changed.

(c) The amounts of remittances and investments approximately are:—

Year	Remittances	Investment
1951-52	Nil	Nil
1952-53	Rs 17·63 lakhs	Rs. 8·81 lakhs
1953-54	Rs. 19·94 ,,	Rs. 9·97 ,,

VISIT TO RUSSIA (PROFESSORS AND STUDENTS)

***1062. Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state:

(a) whether the delegation of professors and students of Indian Universities who visited Russia recently has submitted any report; and

(b) if so, its nature?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [*See* Appendix V, annexure No. 5.]

RURAL UNIVERSITY AT GANDHIGRAM

***1064. Shri Jethalal Joshi:** Will the Minister of **Education** be pleased to state:

(a) whether Government have received any proposals for setting up a rural University at Gandhigram which will specialise in imparting education in constructive work; and

(b) what will be the initial and recurring expenses of the University?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) I presume the hon. Member refers to Gandhigram, Madurai. No such proposal has been received.

(b) Does not arise.

NATIONAL CHEMICAL LABORATORY

***1066. Shri H. N. Mukerjee:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state the number of technical processes which have been perfected in the National Chemical Laboratory since its inception (year-wise)?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The number of technical processes perfected in the National Chemical Laboratory, Poona, each year since its inception are.—

Year	No. of processes
1950	2
1951	3
1952	4
1953	2
1954 (up to end of November)	7

HISTORICAL MONUMENTS

***1069. Shri Sanganna:** Will the Minister of **Education** be pleased to state:

(a) whether the Government of India have issued a directive to State Governments to the effect that old and historical structures should not be destroyed unless such a course is absolutely necessary; and

(b) whether Government propose to amend the Ancient Monuments Preservation Act, 1904 accordingly?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) The Government of India have made a suggestion to this effect.

(b) The question does not arise as the suggestion is in respect of structures which are not protected.

SUBSISTENCE ALLOWANCES

***1070. Shri Tushar Chatterjea:** Will the Minister of **Defence** be pleased to **state:**

(a) whether it is a fact that there is a difference in the treatment of industrial and non-industrial employees regarding payment of pay and allowances during suspension period after their re-instatement; and

(b) if so, the reasons therefor?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Yes.

(b) The distinction between the industrial and non-industrial employees in the matter of grant of subsistence allowance during suspension is due to the fact that different terms and conditions of service have been prescribed for different categories of Government personnel depending on the nature of their employment.

TRIBAL POPULATION IN RAJASTHAN

***1075. Shri Bheekha Bhai:** Will the Minister of **Home Affairs** be pleased to state the reasons for the very large decrease in the tribal population in Dungarpur District as shown in the 1951 figures compared to the 1941 figures?

The Deputy Minister of Home Affairs (Shri Datar): The 1951 Census figures related only to the Scheduled Areas of the Dungarpur District, while those of 1941 related to the whole District.

NATIONAL VOLUNTEER FORCE TRAINING

***1076. Shri Brohmo-Choudhury:** Will the Minister of **Defence** be pleased to state whether Government have taken any steps to organise an Auxiliary Territorial Force or National Volunteer Force Training Camp for Members of Parliament and of State Legislatures?

The Deputy Minister of Defence (Sardar Majithia): The hon. Member is aware that Members of the Lok Sabha and Rajya Sabha have been invited to volunteer for military training, if they are below 50 years and are medically fit. A copy of the letter addressed in this connection is placed on the Table of the House. [*See* Appendix V, annexure No. 6.] Members of the Delhi State Legislature have also been invited. About 75 Members have so far volunteered for training and I am afraid that the number does not justify the opening of a training camp which is designed to impart training for about 480 persons. There is at present no proposal to have special camps for members of other State Legislatures.

छात्रवृत्तियां

***१०७७. श्री बादशाह गुप्त :** क्या शिक्षा मत्री यह बताने की कृपा करेंगे कि:

(क) शिक्षा मंत्रालय द्वारा १९५२-५३ और १९५३-५४ के लिये अलग अलग छात्रवृत्तियों के हेतु कुल कितनी राशि मंजूर की गई है ; और

(ख) उक्त कालों में सम्बन्धित व्यक्तियों को कितनी राशि दी गई ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) The amounts provided in the budget estimates were Rs. 43,69,050 for 1952-53, Rs. 75,73,203 for 1953-54. Additional amount of Rs. 12,05,915 was found in 1952-53 and Rs. 8,33,919 in 1953-54 by reapropriation.

(b) 1952-53—Rs. 55,74,965.

1953-54—Rs. 84,07,122.

RAJWARI AIRFIELD, BANARAS

***1079. Shri G. P. Sinha:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that assets of the Rajwari Airfield, Banaras were finally sold and disposed of during January-February 1951 for Rs. 43,000 for demolition, removal and reinstatement of the site to its original condition;

(b) whether it is also a fact that a false report was submitted to Government certifying that the site had been cleared and reinstated to its original condition as provided for in the sale agreement and recommending that the security deposit of about Rs. 11,000 should be refunded to the purchaser;

(c) whether it is also a fact that above report of reinstatement was later found to be incorrect and whether the facts were reported to Government; and

(d) if so, what action was taken to punish the officials concerned?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) and (c). The facts are that the then Area Lands, Hirings and Disposals Officer on the strength of the report of the local engineering authorities recommended the refund of the security deposit. Later, on his personal inspection of the site, as directed by his superior Officer, he recommended the refund of security deposit after the recovery of Rs. 500 for the non-clearance of the site covered by buildings and the forfeiture to the Government, of the undemolished cement concrete hardstandings due to the impracticability of dismantling them and the willingness of the original land owners to accept reconveyance of their lands with the hardstandings which they were already using for thrashing their crops. These facts have been reported to the Government and the matter is under examination.

(d) Does not arise at this stage, in view of replies to (b) and (c).

NATIONAL VOLUNTEER FORCE

***1080. Dr. Ram Subhag Singh:** Will the Minister of **Defence** be pleased to state:

(a) in what respect the National Volunteer Force will differ from the Auxiliary Territorial Army; and

(b) what is the proposed strength of the National Volunteer Force?

The Deputy Minister of Defence (Sardar Majithia): (a) In the Auxiliary Territorial Force military training is imparted in camps, which are set up at convenient places both in urban and rural areas. Rural camps are of 7 days' duration (since increased to 10 days). In urban camps training is given on a part-time basis for twice the number of days of a rural camp.

The details of training in the National Volunteer Force have not yet been finalised, but in broad essentials they will follow the pattern of the Auxiliary Territorial Force, except that training will be given in camp for 30 days continuously.

(b) It is proposed to train 5,00,000 persons over the next five years at the rate of 1,00,000 per year.

EXPANSION OF BASIC EDUCATION

***1082. Shri S. C. Samanta**: Will the Minister of **Education** be pleased to state:

(a) how far the new Education Development Scheme (Expansion of Basic Education) has progressed;

(b) what are the details of the Scheme; and

(c) the number of schools which are proposed to be opened under the Scheme?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix V, annexure No. 7.]

MINISTERS' DISCRETIONARY FUND

***1083. Dr. Satyawadi:** Will the Minister of **Finance** be pleased to

Cotton textiles, rayon, cement and sugar industries.

1. Orissa Textile Mills Ltd., P.O. Chowdwar (District Cuttack).
2. Kapila Textile Mills Ltd., Mysore.
3. National Rayon Corporation Ltd., Bombay.
4. India Cements Ltd., Madras.
5. Kopergaon Sahakari Sakhar Karkhana Ltd., Kopergaon, (District Ahmednagar).
6. Ugar Sugar Works Ltd., Sangli (District Satara).
7. Thiru Arooran Sugar Ltd., Madras.

(b) Twenty.

(c) The rate of interest charged by the Corporation is a matter within the competence of the Board of the Corporation, who reviews the rate of interest from time to time. There is no such proposal at present.

CENSUS

***1101. Shri Sanganna:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Government of India have asked the Government of Orissa to take a census of non-Oriyas on the Andhra—Orissa border areas; and

(b) if so, the purpose of taking such a census?

The Deputy Minister of Home Affairs (Shri Datar): (a) No.

(b) Does not arise.

जम्मू और काश्मीर को अनुदान

***११०५. डा० सत्यवादी :** क्या राज्य मंत्री यह बताने की कृपा करेंगे कि अभी तक अनुदान और ऋण के रूप में, वर्ष प्रतिवर्ष, जम्मू और काश्मीर सरकार को, उस राज्य के भारत में सम्मिलित होने के समय से, विभिन्न प्रयोजनों के लिये कितनी राशि दी जा चुकी है ?

The Minister of Home Affairs and States (Dr. Katju) A statement is placed on the Table of the Lok Sabha. [*See* Appendix V, annexure No. 8.]

DETENUS

***1107. Dr. Ram Subhag Singh:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any persons have so far been detained under Section 3 of the Preventive Detention Act, 1950 since that Act came into force;

(b) if so, their number and the names of the States to which they belong; and

(c) the number among them who are still under detention?

The Minister of Home Affairs and States (Dr. Katju): (a) to (c). Detailed information relating to the number of persons detained under the Preventive Detention Act, 1950, during the years 1950, 1951 and 1952 was laid on the Table of the House on the 5th March, 1953 in reply to Shri A. N. Vidyalankar's unstarred question No. 410. Since then a Report containing statistical information regarding the working of the Act during the period 30th September, 1952 to the 30th September, 1953 was laid on the Table of the House and also circulated to all Members of Parliament in December, 1953, while a printed pamphlet containing similar statistical information relating to the period 30th September, 1953 to the 30th September, 1954 was laid on the Table of the House on the 8th December, 1954 and also circulated to all Members of Parliament. Thus the information asked for by the hon. Member has already been furnished to the House.

RADIO SETS FOR THE EDUCATIONAL INSTITUTIONS

***1110. Shri D. C. Sharma:** Will the Minister of Education be pleased to state the number of radio sets provided by Government for the use of Colleges and High Schools in the different States of India, State-wise?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): There is no scheme of the Government of India under which radio sets have been given to educational institutions.

WELFARE EXTENSION PROJECTS (PUNJAB)

***1111. Dr. Satyawadi:** Will the Minister of Education be pleased to state:

(a) whether any Welfare Extension Projects have been started in the Punjab; and

(b) if so, the number and location of these projects?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes.

(b) Two; (i) Nub Project (Distt. Gurgaon).

(ii) Karnal Project (Distt. Karnal).

YOUTH CAMPS AND FESTIVALS

704. Shri N. B. Chowdhury: Will the Minister of Education be pleased to state:

(a) the mode of selection of youths for Youth Camps and Youth Festivals organised by Government; and

(b) what steps are taken to encourage such youth to continue Social Welfare activities subsequently?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) For Youth Camps, selection of youths is made by Universities/States Governments/recognised Voluntary Organisations who conduct the camps. For Youth Festivals, it is left to the Universities to make selection from their constituent colleges.

(b) The Ministry of Education formulated a number of schemes to harness the energies of youth for constructive labour service. It is anticipated that once the spirit of service and dignity of labour are developed the youth will willingly initiate or join local social service organisations for rendering service to the community and the country.

INDO-AUSTRALIAN INDUSTRIAL CO-OPERATION SCHEME

705. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) the number of technicians and students who are to be trained in Australia under the Indo-Australian Industrial Co-operation Scheme in 1954-55;

(b) the main branches of study under the scheme; and

(c) the machinery that has been evolved to select the trainees?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) There is no scheme of this name.

(b) and (c). Do not arise.

INDONESIAN STUDENTS IN INDIA

706. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) the number of Indonesian students studying in India under the General Cultural Scholarships Scheme;

(b) the names of the institutions where they are receiving education at present; and

(c) the subjects of their study?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (c). A statement is laid on the Table of Sabha. [*See* Appendix V, annexure No. 9.]

DEFENCE SCIENCE ORGANISATION

707. Shri Krishnacharya Joshi: Will the Minister of **Defence** be pleased to state:

(a) the work done by the Defence Science Organisation in 1593; and

(b) the main subjects of the Defence Science?

The Deputy Minister of Defence (Sardar Majithia): (a) Generally speaking work done in the Defence Science Organisation is of a classified nature and it is not in the public interest to give details.

(b) The main subjects dealt with under Defence Science are:—

1. Operational Research studies.
2. Ballistics.
3. Communications (Signals, Electronics, Radar).
4. Explosives.
5. General Stores problems.
6. Statistics.
7. Environmental Physiology and Personnel Research.
8. Psychology and methods for selection of personnel.
9. Studies in Pilot aptitude and environmental problems in the Air Force.
10. Corrosion problems.
11. Oceanography and underwater studies.

RURAL UNIVERSITIES

708. Shri Krishnacharya Joshi: Will the Minister of **Education** be pleased to state:

(a) the number of States which have opened rural universities as recommended by the University Commission; and

(b) the number of pupils enrolled therein?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). The matter primarily concerns the State Governments.

धर्म परिवर्तन

७०९. सेठ गोविन्द दास : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि वर्षं १९४३–४४ और १९५३–५४ में अपना धर्म छोड़ कर

(१) हिन्दू धर्म ;

(२) ईसाई धर्म ;

(३) इस्लाम; और

(४) सिख धर्म

अपनाने वालों की संख्या कितनी थी ?

The Deputy Minister of Home Affairs (Shri Datar): As no record is kept of religious conversions, it is not possible to give the figures of such conversions.

अंधों के लिये शिक्षा-संस्थायें

७१०. सेठ गोविन्द दास : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि:

(क) भारत में अंधों के लिये कुल कितनी शिक्षा-संस्थायें हैं ;

(ख) वे कहां-कहां पर हैं, और राज्यानुसार उनकी संख्या कितनी है ; और

(ग) क्या इस प्रकार की और सस्थायें खोली जा रही हैं ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) 50.

(b) The requisite information is given in the attached statement. [*See* Appendix V, annexure No. 10.]

(c) Yes, two new institutions are being opened by the Government of Bombay.

ELECTION PETITIONS

711. { Shri C. R. Chowdary: Shri Naval Prabhakar:

Will the Minister of **Law** be pleased to state:

(a) the number of Election Petitions filed in 1952 which are still pending disposal; and

(b) what are the reasons for delay?

The Minister of Law and Minority Affairs (Shri Biswas): (a) Out of the Election Petitions filed in 1952, seven are pending disposal as on the 1st December, 1954.

(b) A statement showing the reasons for the delay in the disposal of the petitions is placed on the Table of the House. [*See* Appendix V, annexure No. 11.]

DISTRICT JAIL, DELHI

712. Shri Radha Raman: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the District Jail outside Delhi Gate is being shifted to Tilak Nagar;

(b) if so, when it is expected to be shifted; and

(c) what is proposed to be done with the present site of the Jail?

The Minister of Home Affairs and States (Dr. Katju): (a) The District Jail is being shifted to Tehar and not to Tilak Nagar.

(b) By the end of 1957.

(c) The matter is under consideration.

SMUGGLING

713. Shri Radha Raman: Will the Minister of **Finance** be pleased to state:

(a) the total number of smuggling cases detected from the former French Settlements into India during 1954 so far;

(b) the kind and value of goods confiscated; and

(c) the amount realized as fines from smugglers?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) The total number of cases detected, of goods being smuggled from the French Settlements into India during 1954 (from 1st January 1954 to 31st October, 1954), was 2298.

(b) Some of the principal commodities confiscated as smuggled from the French Settlements, are diamonds, gold and jewellery, fountain pens and pencils, playing cards, clocks and watches, textiles, liquor, mechanical lighters and betelnuts. The estimated value of the goods confiscated is Rs. 4,78,000.

(c) In cases where confiscated goods were allowed to be redeemed on payment of fine, the total amount of the fines imposed was Rs. 12,000 of which fines amounting to Rs. 7,700 have been realised. Where the fines were not paid or no option to pay a fine was allowed, the goods in question have vested in the Government and will be disposed of in the normal course and the sale proceeds credited to the Government.

In addition to the fines, personal penalties amounting to Rs. 26,400 were imposed on smugglers. Out of this a sum amounting to Rs. 18,400 has been realized.

INCIDENCE OF CRIME

714. Shri Bhagwat Jha Azad: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have any information about the increase or decrease in the incidence of murders, kidnappings and robberies in the different States of India;

(b) if so, the name of the State where the number of murders, kidnappings and robberies was the highest during 1953-54; and

(c) what special help and assistance are given by the Government of India to check the crimes?

The Minister of Home Affairs and States (Dr. Katju): (a) Figures are available with the Government of India for the crimes referred to for the years 1952 and 1953, as per statement attached [*See* Appendix V, annexure No. 12.] This will show the increase or decrease in the year 1953 as compared with the previous year. The figures for 1954 are not yet available.

(b) During 1953 murders were highest in Madras, kidnappings in the State of Uttar Pradesh and robberies in the State of Bombay.

(c) Since Public Order is a State subject, its maintenance is a State responsibility, and no special assistance is rendered by the Government of India.

I.A.S. EXAMINATION

715. Shri S. N. Das: Will the Minister of **Home Affairs** be pleased to state the number of examinees that sat at different centres fixed for the written examination of the Indian Administrative Service held in 1954?

The Deputy Minister of Home Affairs (Shri Datar): A statement giving the requisite information is laid on the Table of the House. [*See* Appendix V, annexure No. 13.]

INDO-U.S. TECHNICAL CO-OPERATION PROGRAMME

716. Pandit Munishwar Datt Upadhyay: Will the Minister of **Finance** be pleased to state:

(a) the amounts so far contributed by U.S.A. and India respectively under the Indo-U.S. Technical Co-operation Programme; and

(b) whether it is a fact that most of the U.S. contribution is spent on purchasing supplies and equipment from U.S.A. and paying their experts and specialists?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) The authorised contribution up to date under the Indo-U.S. Technical Co-operation Programme by the two Governments is—

U.S.A.	$ 181·4 million.
India	Rs. 136 crores.

(b) No, Sir. The U.S. contribution is generally being utilised for the procurement of equipment and supplies on the global tender basis from the cheapest qualified tenderer. It is also utilised for the payment of salaries of the experts and specialists from U.S.A.; but the total expenditure on this account so far is only about $ 2 million.

WOOD REQUIREMENTS IN ORDNANCE FACTORIES

717. Shri G. L. Chaudhary: Will the Minister of **Defence** be pleased to state:

(a) the quantity of wood required annually for the manufacture of the butts of the rifles by the Ordnance Factories; and

(b) the quantity of wood which is imported into India for this purpose annually?

The Deputy Minister of Defence (Shri Satish Chandra): (a) The quantity varies from year to year depending on the number of small arms manufactured in the Ordnance Factories.

(b) Nil.

AID TO WELFARE ORGANISATIONS

718. Shri V. Missir: Will the Minister of **Education** be pleased to state:

(a) the amount of grants given to the various Voluntary Social Welfare Organisations in each State by the Central Social Welfare Board during the year 1954-55 so far;

(b) the amount that has actually been spent and in what manner;

(c) whether any reports of the work done have been submitted by these Organisations;

(d) whether the recommendations from the State Governments are the only factors for the award of such grants; and

(e) if not, what other factors are taken into consideration?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) A statement giving the requisite information is attached. [*See* Appendix V, annexure No. 14.]

(b) The information is not available at present.

(c) No, not for the current financial year.

(d) No.

(e) All applications are first considered by the State Advisory Social Welfare Boards who forward their recommendations to the Central Social Welfare Board. Their recommendations are not binding on the Central Social Welfare Board.

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Acc. No. 25366
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LOK SABHA

Monday, 13th December, 1954.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

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12 NOON.

MOTIONS FOR ADJOURNMENT

RETRENCHMENT OF SEPOY CLERKS OF ARMY ORDNANCE CORPS

Mr. Speaker: I shall now take up the consideration of the adjournment motions. First, we shall take up the further consideration of the adjournment motion which was held over on the 11th December, relating to the retrenchment of sepoy clerks of Army Ordnance Corps. The hon. Deputy Minister of Defence will make a statement on this.

The Deputy Minister of Defence (Sardar Majithia): On 11th December, I had promised to go into this question and give the House certain facts. I find that instead of the 4,000 alleged, the total number being released is only 676. Out of these 676, 135 are those who were engaged during the war; their release was deferred with their consent, and they are going on release now. Another 79 were only engaged for eighteen months, and therefore, they also are going away in the normal course of events. Thus, the real figure left is only 462. This is necessary, as I said day before yesterday, in view of the fact that we are not in an emergency now, and this cadre also has to keep in relation with the strength of the Army.

Thus, you will see that the adjournment motion has not got that urgency, because that number is not there, and moreover, as I said, it is more or less a normal course of events. But I should like to add that these 462 who are going out will receive the gratuity benefits, which are their due.

Shri Damodara Menon (Kozhikode): May I make one submission? The hon. Minister has just now stated that the number that will go out now is only 462. As for these men, I understand that they have all signed for regular service for twelve years, and three years for reserve, and they have been entertained in service on the basis of contracts which Government as well as these people had signed. I want to know from the hon. Minister whether their dismissal or discharge now is not in contravention of the provisions of the contracts.

It may be true that immediately only 462 persons are to be discharged. But I understand that there is proposal for the discharge of a larger number, *i.e.* about 4,000. Even in yesterday's paper, I read of a meeting of some of these defence employees at Meerut, where they had alleged that a larger number was going to be discharged in the near future.

Therefore, I would like to hear from the hon. Minister what he has to say about the contract, and why these men are to be discharged now, and why it is in the contemplation of Government to discharge about 4,000 men

Sardar Majithia: To begin with, I would not put much trust in the figures given out by the papers. As I said before, gratuity is only given when the people are released before the normal period of their service, and they get not the normal pension, but gratuity which means something enhanced to cover up the cutting short of their career.

Shri Damodara Menon: May I ask one more question?

Mr. Speaker: Nothing further now. I think the matter is clear enough for consideration.

Shrimati Renu Chakravartty (Basirhat): What about the contract? It is very important.

Mr. Speaker: I am not concerned with all the facts of these things just at present. But sufficient has been said, I think, to give an idea of the public importance of this question. I feel clear that whatever the importance of the question may be to the individuals concerned, the matter is not of that public importance which needs a debate on the question in this House. I do not think I could permit this.

TRAGEDY IN NEWTON CHIKHLI COLLIERY

Mr. Speaker: The next adjournment motion is that of Shri M. S. Gurupadaswamy, and it relates to:

> "The tragic loss of life of seventy-two miners in a colliery at Parasia in Madhya Pradesh on 11th December as a result of heavy flooding of water from an adjacent mine."

In respect of this, I have received a notice from the hon. Minister of Labour to make a statement. So, I would call upon him to make the statement first, for that would clarify somewhat the position as to facts.

The Minister of Labour (Shri Khandubhai Desai): The House must have been shocked to hear of the grave tragedy, involving the loss of as many as 65 persons, that occurred on the morning of 10th December 1954 in the Newton Chikhli Colliery in the Parasia Coalfield of Madhya Pradesh. The information that Government have so far been able to elicit shows that 112 miners were working in the mine at the time of the accident. A large mass of water from an adjacent abandoned mine seems suddenly to have burst the intervening strata of rock and gushed into the mine bringing with it a large quantity of asphyxiating gas. 47 miners managed to reach the surface, but the remaining 65 were trapped inside the mine. The Inspector of Mines, Parasia, rushed to the scene and made immediate arrangements for the requisitioning of pumps available in the neighbouring collieries and for the pumping out of the water. The District Magistrate and the District Superintendent of Police of Chhindwara also reached the scene as quickly as possible and took charge of the rescue operations. The Chief Inspector of Mines who also happened to be in Delhi on official visit left for the Mine by the night plane of the 11th December, 1954. I understand that two Ministers of the Madhya Pradesh Government, of whom the Labour Minister is one, accompanied by senior officers, have also proceeded to the spot and are personally directing all operations.

The Chief Inspector of Mines, who has already reached the mine and made a preliminary study of the accident, has reported that the mine is a fairly big one employing 2,500 workers, of whom 1600 work underground. It has been working for the last 33 years and has reached a depth of 200 feet. The present output is about 20,000 tons per month. The mine is worked under a qualified Manager who holds a first class certificate and has been working in his present post for the last 10 years. He assisted by two Assistant Managers who hold second class certificates. The accident occurred at 10-30 A.M. on Friday the 10th December 1954. From the preliminary investigation it appears that some workers noticed the seeping in of water but did not take it seriously, but that in a few minutes the intervening strata broke up and water rushed in. In all about seven million gallons of water has entered the mine. When the Chief Inspector visited the mine, only two pumps were working, but he has arranged for five more pumps to be set up immediately. If all the water has to be pumped out, it is feared that the entire process may take 10 or 15 days. The engineers are, therefore, trying to make a bore hole from the dip side so that the water can be drained off from the affected area to other parts of the mine. This would facilitate recovery of the bodies but even this process, if successful, will take two or three days. It would not be proper for me to say at this stage anything definite about the responsibility for the accident, though the opinion of the Chief Inspector of Mines on a first inspection is that the management have not maintained their plans correctly with the result that though the mine was inspected twice in 1954, once in April-May and again in August, the inspecting officers of the Mines Department were not aware of the proximity of old workings. He is also of the view that the management have failed to observe the requirements of Regulation 74 of the Regulations under the Mines Act which provides for the taking of elaborate precautions whenever a working has approached within 100 feet of any place containing, or likely to contain, an accumulation of water or other liquid matter or within 100 feet of disused workings. All these matters, however, require further enquiry.

The Government of India have set up a Court of Inquiry under section 24 of the Mines Act, presided over by Shri Justice V. R. Sen of the Nagpur High Court, Dr. W. S. Barlingay, M.P., and Shri M. L. Shome, Chief Mining Engineer, Coal Board, who is unconnected with the administration of the Mines Act which regulated safety in mines, have been appointed as assessors as laid down in the Mines Act. The Court of Inquiry has been requested to complete its enquiry as early as possible. I am sure that it will fully go into all aspects of the observance and enforcement of safety measures as laid down in the Mines Act and that it will, in particular, ascertain why the possibility of the danger from the large mass of water at such close proximity was not envisaged, whether the inspection of the mine has been adequate, whether the accident was due to the negligence of anybody, whether the rescue operations left anything to be desired and what further safety precautions, if any, are required to prevent a recurrence of such calamities. As soon as the report of the Committee is received, Government will place all the facts before the House together with their proposals.

Meanwhile, the Government of India are greatly distressed over the occurrance of such a serious accident, especially in view of the fact that we have so far had a far better record than many other important coal producing countries in the matter of accidents. I have already communicated Government's heartfelt sympathies to the bereaved families. We shall do our best to arrange for the early payment of compensation to them as provided in the law.

Mr. Speaker: I think the only course is......

Shri Punnoose (Alleppey): I want to get some information. Papers this morning reported that at least 64 people were killed. The Labour Minister categorically states that the number is 64. How is it that he got that information? Even the Government Communique says that at least 64 people are killed, but the Minister is convinced that the number is 64. How is it?

Shri Khandubhai Desai: I said 65.

Shri Punnoose: They say at least 65.

Mr. Speaker: On what basis does he say it is 65?

Shri Khandubhai Desai: From the roll it has been found out as to how many workers went underground on that day, and deducting some persons who were saved and who came out, the number is 65.

Mr. Speaker: So then we have to await the report.

Shri A. K. Gopalan (Cannanore): I had given notice of an adjournment motion.

Mr. Speaker: I am coming to that.

ALLEGED FIRING ON ELECTION PROCESSION IN ANDHRA

Mr. Speaker: The next motion is about 'landlord and police firing on peaceful election procession in Gargaipuram near Kurnool, Andhra, on 11th December 1954 resulting in injuries to 15 people'. What is the position now, I should like to know.

The Minister of Home Affairs and States (Dr. Katju): I have received certain information, which is not very complete, and if I may suggest, my hon. friend may put a short notice question, and I shall try to answer it tomorrow, and then in the light of that answer you may be pleased to defer your judgment as to whether you would allow this adjournment motion or not. So far as the information that has come is concerned, the police had nothing to do with it. There was a procession. There was disturbance. There were some policemen there. They were attacked and the head constable was injured and himself had to fire in self defence......

Shri A. K. Gopalan: There was a report in the papers which said when there was a procession, four landlords were there. They came and they fired on those processionists. It was an election meeting. When they fired, the policemen also fired. Then the next day I contacted the persons concerned and the information was that there was firing by the landlords as well as the police. The police fired in the air in order to terrorise the people. But when the landlords fired, the policemen were there; they did not protect the processionists. That was the positon. Now, I would submit that elections are coming and election meetings will be held. Government had already promised that election propaganda would be allowed. I want to know why the landlords fired and why they obstructed the procession. These things are very important. If people are not protected at the time of the elections, and if these things continue at the time of elections, and the Government do not take precautions, then it is a serious matter not only for Andhra but for the whole of India, and the whole election there will be...

Mr. Speaker: Anyway, as the hon. the Home Minister has stated that he is not in possession of complete information, I think he can as well make a further statement tomorrow or even the day after, for the matter of that, without asking for any short notice question.

Dr. Katju: Then I shall make a full statement day after tomorrow.

Mr. Speaker: Let him have complete facts. That is my point. He said in the beginning that the facts were not complete......

Dr. Katju: Absolutely.

Shri A. K. Gopalan: One word more. The Home Minister said that he had no information. Then he said that there was some attack on policemen. If he had no facts......

Mr. Speaker: Let there be no discussion.

Shri A. K. Gopalan: I only want to point out this. If policemen had been attacked, certainly they would have informed the Home Minister. But he said he had no information, but only this information that the police......

Mr. Speaker: Order, order. The substance is to be taken into consideration. When he said he had no information, all that that meant reasonably was, no complete information.

Dr. Katju: I think I said so.

Mr. Speaker: He used the word 'complete'. Now, it is no use discussing that point.

PAPERS LAID ON THE TABLE

AIR CORPORATION RULES

The Deputy Minister of Communications (Shri Raj Bahadur): I beg to lay on the Table, under sub-section (3) of section 44 of the Air Corporation Act, 1953, a copy of the Air Corporation Rules, 1954, published in the Ministry of Communications Notification No. 14-CAG(15)/53, dated the 26th November 1954. [*Placed in Library. See* No. S-452/54]

AUDIT REPORT ON INDUSTRIAL FINANCE CORPORATION

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to lay on the Table a copy of the Audit Report on the accounts of the Industrial Finance Corporation of India for the year 1953-54, under sub-section (7) of section 34 of the Industrial Finance Corporation Act, 1948. [*Placed in Library. See* No. S-472/54]

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1954-55

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to lay on the Table a statement showing Supplementary Demands for Grants for expenditure of the Central Government (excluding Railways) in 1954-55. [*Placed in Library. See* No. S-479/54]

DEMANDS FOR SUPPLEMENTARY GRANTS (FOR ANDHRA) 1954-55—

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to lay on the Table a statement showing Supplementary Demands for Grants for expenditure of the Andhra State in 1954-55. [*Placed in Library. See* No. S-480/54]

ALLEGED ASSOCIATION OF MINISTER WITH A BANK

Shri H. N. Mukerjee (Calcutta-North-East): On August 30, 1954, this House discussed, on a motion, the decision of Government modifying the Bank award given by the Labour Appellate Tribunal in the dispute between banks and their employees. In the course of that discussion, I suggested that the total exemption granted by Government, from operation even of the modified award, to the United Bank of India Ltd., could be accounted for by different factors, including the circumstance that a Deputy Finance Minister of the Central Government, Shri Arun Chandra Guha, had connections with the said bank and had been a guarantor of a large loan from the Bank to a concern in which he was interested. This was repudiated, in the first instance in general terms, by the Finance Minister and then by Shri Guha in the following words—p. 1707 of the cyclostyled official report of the proceedings of the House:

> "I can say on my behalf that I have never been a guarantor of any loan on any bank, not to speak of the United Bank. Nobody would give any loan on my guarantee".

Subsequently, I was asked by the Speaker either to substantiate my allegation or withdraw it with an appropriate expression of regret in the House. On my representation that I should be permitted some time to secure verification of my allegation from my informants who, I thought, were reliable people, Mr. Speaker has

[Shri H. N. Mukherjee]

very kindly agreed. It was not, however, till the last day of the last session that I could secure such verification. It has come in the shape of a photostatic copy of a page of the said Bank's Register of Securities, which, along with a typed copy of its contents, I shall presently lay on the Table of the House.

The copy shows, on the face of it, that Shri Arun Chandra Guha, as one of the directors of Sree Saraswati Press Ltd., (a public limited company with an authorised capital of Rs. 2,50,000/-) had given to the bank a letter of guarantee dated 4th March 1947, replaced by a subsequent letter of guarantee dated 6th June 1950 for the sum of Rs. 5,00,000. It appears also that the letter of guarantee has not been revoked by Shri Guha, and that, in view of the signature of some competent officer of the bank dated 18th February 1954, it was certainly current at least as late as that date. It should be added here that the loan account was opened by Shri Guha and others with the Comilla Banking Corporation, Ltd., which was one of the four banks amalgamating into the United Bank of India, Ltd., and that the said loan account is continuing in the books of the United Bank of India Ltd.

It was never my point that Shri Guha had guaranteed a large loan from a particular bank during his tenure of office as Deputy Minister. My only point was his relation with a particular bank —whether past or present, it is not relevant to ask—which has got what seems to be spectacular exemption from the operation of an award even as modified by Government. It is a pity that Shri Guha chose, in sweeping terms, to deny categorically that he had ever been a guarantor of a loan on any bank, "not to speak" to quote his own words, "of the United Bank". The House will appreciate that I owe it to the House to state the real position as far as I have been enabled to and out.

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I am sorry Shri H. N. Mukerjee has preferred in his statement to put a garbled version of what he said on 30th August. The words used by him on that occasion may just be quoted to refresh the memory of the Members—"There is a Deputy Finance Minister, there is a Chief Minister of West Bengal who are personal guarantees for enormous sums of money lent out under the auspices of the United Bank of India". Subsequently he again said—"A Deputy Finance Minister and the Chief Minister of West Bengal are personal guarantees for extra large sums of money which are drawn as overdraft from this particular bank by methods which appear on the face of it to be very dubious".

In the present statement he has mentioned me as a guarantor of a large loan—instead of very wide and sweeping langauge he used then. He has also mentioned that his point was that I have some obligation to the United Bank of India Ltd., "whether past or present". But on the previous occasion he used twice the verb 'are' in the present tense. I do not know what he meant then by such phrases as "extra large sums of money", and "methods which appear on the face of it dubious". A commercial firm of good financial reputation arranging an overdraft account with a bank against its stocks and assets, is just an usual commercial practice. Then I do not know whether signing some overdraft guarantee papers as a director of single loanee company along with other directors should be taken at par with "personal guarantees for enormous" or "extra large sums of money", which Shri Mukerjee took delight to rub in repeatedly on 30th August, and that also by "dublious methods".

The Lok Sabha may just compare the difference. He has secured a photostatic copy of a page of an account book of the Comilla Banking Corporation, Ltd., and not of the United Bank of India, Ltd. He need not have taken the trouble of securing this—by methods, to use his words—which must be "dubious". In fact the very next day in a private conversation in the lobby I told Shri Mukerjee that as a director in 1947 I signed certain papers in connection with the overdraft account of Sree Saraswaty Press, Ltd. with the Comilla Banking Corporation, Ltd., and not with the United Bank of India, Ltd., and that from July, 1951, I had ceased to be a director of that concern.

I think I should here state the facts of the case. Along with some other directors, I signed some papers in connection with that overdraft account which Sree Saraswaty Press, Ltd., opened with the Comilla Banking Corporation, Ltd. This was renewed on 6th June 1950, also with the same bank and not with the United Bank of India, Ltd., which was formed later than this. The photostatic copy Shri Mukerjee has produced is also from the Register of the Comilla Banking Corporation, Ltd., In July, 1951, *i.e.*, almost immediately after the passing of the Peoples Representation Act, I resigned from the Board of the loanee concern. The overdraft account was again renewed in August, 1952. And no papers were signed by me on this occasion—as I had resigned from the directorship of the concern 13 months before that. By that time the account was transferred to the newly formed United Bank of India, Ltd.

Then he has referred to a signature of some bank official dated 18th February 1954 on a page of the Register of the United Bank of India, Ltd. Thereby he has tried to conclude that "it (my responsibility) was certainly current at least as late as that date". But he has simply ignored to see that the signature on that date is only in verification of the fire insurance papers deposited by the loanee company with the bank. Shri Mukerjee has also conveniently ignored another entry on that page which clearly indicates that the letter of guarantee signed by me was replaced by a letter of guarantee signed by another director on 19th August 1952.

Shri Mukerjee has tried to make out a point that my guarantee letter has not been revoked. I should state here that validity of such papers—even if not revoked—runs only for three years; and so on 6th June 1953 all papers signed by me ceased to be valid, *i.e.* three years after my signature on 6th June 1950. This has been confirmed by the letter of the bank. Whatever papers I signed on the two occasions in 1947 and 1950, I signed then not with the United Bank of India, Ltd., but with another bank, Comilla Banking Corporation, Ltd. So, whatever responsibility I might have taken regarding a particular overdraft account as a director of a loanee company, that was with a different bank with a different Board and Management.

Thus, even now I repudiate the insinuation made by Shri Mukerjee on 30th August and I assert that I had no obligation—present or past—with the United Bank of India, Ltd., and I have no reason to oblige them.

Herewith I am placing a copy of a letter from Sree Saraswaty Press, Ltd., which will indicate that I resigned from the directorship of that company on 4th July, 1951, and a copy of another letter from the United Bank of India, Ltd., which will clearly indicate that I have no financial obligation to the United Bank of India, Ltd.

Shall I read the letters, Sir?

Mr. Speaker: He may place them on the Table. Are they long?

Shri A. C. Guha: They are short ones.

Mr. Speaker: Then he may read them.

Shri A. C. Guha: This is the letter from the loanee company to the bank:

> "We are surprised to learn from a newspaper report that you have even recently cited the name of

[Shri A. C. Guha]

Shri Arun Chandra Guha to the Reserve Bank of India as one of the guarantors of our overdraft account with you.

We like to point out that though the loan was sufficiently secured by tangible assets of the company, Shri Guha signed the guarantee bond only in his capacity as a director of this company at that time, along with some other directors as you stated that it was customary to obtain such guarantees.

Shri Guha ceased to be a director of this company on 4th July, 1951, and he ceased to be guarantor from that date. This will be borne out from the fact that when the Guarantee Bonds of the other directors were renewed in 1952, he was not a signatory to them.

Under the circumstances, we fail to understand how you could cite his name as a guarantor of our loan from you. Please confirm that Shri Guha is not a guarantor to our loan from you."

This is the other letter—that is, the letter from the United Bank of India, Ltd:

"With reference to your letter dated the 22nd November 1954, we like to state that your overdraft account with the Comilla Banking Corporation Ltd., was secured by hypothecation of your stocks and machineries. Shri A. C. Guha and some other directors were requested by that bank to sign the guarantee bond with respect to that overdraft account, which he and others did on 4th March 1947. This account was renewed with the same bank in 1950 wherein also Shri Guha along with some other directors, signed those papers on 6th June 1950. This is in conformity with the usual banking formalities.

This overdraft account was last renewed on 19th August, 1952, with the United Bank of India, Ltd. No paper was signed by Shri A. C. Guha then as he was not a director of your company. The validity of such documents automatically lapses after three years from the date of the signature. So Shri Guha's responsibility as regards that overdraft account automatically lapsed on 6th June 1953. In usual returns to the Reserve Bank, Shri A. C. Guha's name was never cited as a guarantor and he has no responsibility or liability about your overdraft account. Even when he signed the papers in 1947 and 1950—that was with the Comilla Banking Corporation Ltd. and he did not sign any paper with the United Bank of India Ltd."

Shri H. N. Mukerjee: May I be permitted to say something in relation to certain observations made by the Minister?

Mr. Speaker: I think no argument is open to the hon. Member. He wished to make a statement; he has made it. Shri Guha has made a statement in reply.

Shri H. N. Mukerjee: In reply to certain statements made by Shri Guha, I must have a right to make the position clear.

Mr. Speaker: This House is not the forum to decide who is right and who is wrong. The House will come to a conclusion about the facts from the statements and documents read here.

PREVENTIVE DETENTION (AMENDMENT) BILL—*concld.*

Mr. Speaker: The House will now resume further discussion on the motion moved by Dr. Katju that the Bill further to amend the Preventive Detention Act, 1950, be taken into consideration, along with the amendments for circulation of the Bill for eliciting public opinion and for referring the Bill to a Select Committee moved thereon.

Of the 15 hours allotted for this Bill, 10 hours and 16 minutes have been availed of so far and four hours and 54 minutes now remain. The House on the 9th December decided to allot 12 hours for the general discussion, two hours for the clause by clause consideration and one hour for the third reading. This means that the general discussion will be over by about 1-45 P.M. and the second reading by 3-45 P.M. The Bill will finally be disposed of by 4-45 P.M. There has to be a little extension of time, as we began a little later.

The House will thereafter take up the Tea (Second Amendment) Bill for consideration.

Shri Raghavachari (Penukonda): Will the voting be during lunch time?

Mr. Speaker: I read out the time-table on the basis that we began at 12 noon. I said at that time that the time would be advanced now by half an hour, because we began at 12-30.

Shri Raghavachari: So, it will go beyond lunch time?

Shri M. S. Gurupadaswamy (Mysore): So, voting will be at 2-30 P.M.?

Mr. Speaker: That is understood, because we have unanimously accepted that convention.

The Minister of Home Affairs and States (Dr. Katju): So, 1-45 P.M. will now become 2-15 P.M.?

Shri H. N. Mukerjee (Calcutta—North-East): As I was coming to this House this morning I was told by an hon. friend and colleague who does not belong to our Group that this Preventive Detention Act is something like a pre-Christmas gift made by a pious Brahmin to his suffering people. I have no doubt about the piety of our Home Minister, but it seems that the gift which he is going to make to his country today is a gift which his people do not appreciate very much. Already, Sir, this House has received a large number of petitions running into more than one hundred thousand from West Bengal and today, Sir, my hon. friend and Leader, Mr. Gopalan has had sent to him that cart-load of petitions which he will lay on the Table of the House, petitions which go to show how our people detest this legislation which the Home Minister is trying to introduce.

Now, this Preventive Detention Act makes the darkness of Congress rule more visible to our people and I hope, Sir, that our people will not long tolerate this kind of enormity.

Last time the Deputy Home Minister spoke on this measure and I was interested in a discovery which Mr. Datar has made, namely, that in the United States of America there is a Preventive Detention Act. I am quoting his exact words:

> "My informaion is that even in the United States of America you have a similar law. The United States of America has a measure intended to be used in peace-time which resembles the Preventive Detention Act. Although the American Constitution is 150 years' old and conditions are considerably stabilised, a legislation of the kind has been enacted."

I do not know whether I should believe the Deputy Home Minister or the Judges of the Supreme Court of our country. I have tried at one time to do some research in English constitutional history, but I do not know the exact recent ramifications of American constitutionalism. It may be that the new-fangled mentors of the Home Ministry, the McCarthy-ites of America are trying to introduce the Preventive Detention Act in their country. I do not believe, however, that Mr. Datar's discovery is correct. I cannot imagine that in the United States of America today there is an Act which corresponds to the Preventive Detention Act.

[Shri H. N. Mukerjee]

Last time a very refreshing speech was made by my hon. friend Pandit Thakur Das Bhargava when he pointed out that it is very amazing that this legislation authorises Government —if we are to judge it from the actions which it had already adopted— to preventively detain people for such offences as harbouring of dacoits, and so on and so forth. Pandit Bhargava pointed out very strongly that the ordinary law of the land has arms long enough to deal with this kind of people. Actually, Sir, it has been pointed out before that there are in the Criminal Procedure Code a number of sections, section 107, 109, 110, and so on and so forth, right up to section 144, which enable Government to practise the art of preventing crime. Dr. Katju tried to make a big point of it that it is necessary that we prevent crime before it is committed, rather than try to punish crime after the damage is done. But, for the prevention of crime there is already in the statute-book a number of provisions of which very easy advantage could be taken. Sir, I refer to this as a point of some importance, because I wish to quote the observations made by the present Chief Justice of the Supreme Court in the case of Ashutosh Lahiri *v.* the State of Delhi, 1950. There Mr. Justice Mukerjee has said:

> "There could be no better proof of the *mala fides* on the part of executive authority than the use of the extraordinary provisions contained in the Preventive Detention Act for purposes for which the ordinary law is quite suffi cient."

For purposes for which the ordinary law of the land is quite sufficient the employment of the Preventive Detention Act is *prima facie* evidence of *mala fides* on the part of Government. Dr. Katju is a great legalist, which I do not profess to be. We have been told how Chief Justice Mahajan reacted to the Preventive Detention Act. The present Chief Justice Mukerjee said: "It cannot but be regarded as a most unwholesome encroachment upon the liberties of the people." Here is a most unwholesome encroachment upon the liberties of the people and you are going to put it on the statute-book for three years longer; you are going to keep this country in a state of emergency which began, it seems, in 1939; and you are going to keep our people in manacles, just because you are very unsure of your own political position. I charge this Government with *mala fides* and I say, the Chief Justice of the Supreme Court of India is my witness: that the employment of these extraordinary powers, when the statute-book furnishes you with ample provisions, is certainly evidence of *mala fides* on the part of Government.

Now, Sir, we have been furnished statistical information regarding the working of the Preventive Detention Act in recent years. In Statement No. II we find that the number of cases in which detention orders were made during the last year with a view to preventing persons from acting in a manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India—this is the crucial charge—was six. Of them three had been in detention from before the 1st of October 1953. So, during last year only three persons were detained on this charge: two of them were Hindu Mahasabha people and one was a Muslim Leaguer. Nobody was charged with being in touch with foreign powers and acting prejudicially: by the 1st of October 1954 none of these three were in detention. Pandit Thakur Das Bhargava made a point of great importance in this connection. On this most important issue last year you detained only three and you had to set them free because you had no reason to keep them back any longer.

From Statement No. IV we find that last year the number of *detenus* who were kept in jail for having acted in a manner prejudicial to the maintenance of supplies and services essential to the community was seventeen.

[MR. DEPUTY-SPEAKER *in the Chair*]

Out of these 17, only 2 were for blackmarketing and profiteering in essential commodities. This is the way in which you look after the real interests of the people. Out of the 17, 10 were detained for inciting workers to strike. It is very clear how this Act is being employed from time to time.

I shall refer also to another statement—statement number 11. According to this statement, in the last year from the 1st October, 1953 to the 30th September, 1954, as far as Government could make out, people with political persuasions were of this description: Communists 56; P.S.P. 6; Other socialists—R.S.P., R.C.P.I., and so on and so forth—altogether 26; Congress 2; Hindu Mahasabha 2; Ram Rajya Parishad 1; Muslim League 1, Jamiat-i-Islami 1; then students—just called students, whatever they are—6. This was the table given of people with political persuasion and I say, this is a very clear picture of the position in the country today—56 Communists; 6 P.S.P.; 26 other socialists; 2 Congress, 2 Hindu Mahasabha, 1 Ram Rajya Parishad, etc. etc. You are taking people of all sorts including people belonging to your own party when you find that these people of your own party side with the people. This has happened in Indore; this has happened in Madhya Bharat; this has happened in certain places where genuine and honest Congressmen find that they have to side with the agitation of the people for better conditions of life.

Dr. Katju: What is that statement you are referring to?

Shri H. N. Mukerjee: Sir, I am quoting from statement number 11, where the political persuasions of different parties have been given; only I have added up those who are described as Communists, Praja Socialists, R.S.P., R.C.P.I., Bolshevik Party, so on and so forth. You can verify the figures which I have given.

The Home Minister has told us earlier that this Act is employed in a very careful fashion; that 'two-penny half-penny' officers do not handle these cases and that people like the District Magistrates give the orders. I have very accidentally discovered a document which is extremely disconcerting and that is a document circulated by the Lok Sabha Secretariat in regard to the Indian Arms (Amendment) Act, which was moved by my friend Shri U. C. Patnaik. I find among the papers circulated that opinions were elicited from different people and there is one opinion given by the Inspector-General of Police, Madras. I am sorry, Sir, I have not got the document here, but I shall send it to you as soon as I find it. The Inspector-General of Police, Madras, giving his opinion on the Indian Arms (Amendment) Act, suggests and says very categorically that in the Central Legislature as well as in the Legislatures of many States, there is a large number of people who can be described as 'anti-social' and therefore, according to Shri Patnaik's suggestion they might get arms supplied by Government and that was most dangerous He repeats it over and over again. Here is an Inspector-General of Police who makes an observation in regard to Members of Parliament as well as Members of the Legislature. Later on, Sir, it may be, I think, I may have to bring it up before the Committee of Privileges. It may be that our friends who work here as your officers may have to be hauled up before the Committee of Privileges because I take it, Sir, that the Chair authorises circulation of papers to Members and among those papers there is the statement by the Inspector-General of Police of Madras who says that there are large number of Members of Legislature, both in the Centre and in the States who belong to the anti-social forces. Here is a policeman who might imagine himself to be a big bug in his own profession, and has the gumption to say that

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Members of the Legislature are anti-social. Here are people who take their cue from the Home Minister, his Deputy, from all the members of the Government, who from time to time indulge in very irresponsible observations about the Members of the Legislature. I say, Sir, when you have got this kind of atmosphere in the country, when you have your officers trying to be strong on the stronger side, when you find officers trying to be more royalist than the King, and when you say these responsible officers are going to operate the Preventive Detention Act, then the condition of the country is really very dismal.

Dr. Katju has said: "Quote a single instance where the law is misused". This is most amazing. Coming from Dr. Katju, I cannot imagine how he can say that we cannot quote a single instance where the law has been misused. Among the many petitions already given to Parliament, there is a petition signed by, among other people, Shri Atul Chandra Gupta of the Calcutta High Court, who is not only a leading jurist of West Bengal, but also a very important writer and is President of the Congress Sahitya Sangh. He is a signatory to the petition to this House and in that petition he has his signatories referred to the agitation in West Bengal against the enhancement of the tramway fares and they say:

> "If this legislation remains in the Statute Book there is a danger of it being used to suppress the movements for redress of legitimate grievances of the people as was done during the movement against enhancement of tramway fares in Calcutta. Yet, the enhancement was opposed by the Enquiry Commission appointed by the West Bengal Government. We can add any number of instances of how this Act has been misused."

The petition goes on to say:

> "At the time of the teachers' strike at Calcutta, about a hundred persons were imprisoned without trial. They were all served with identical grounds of detention. Except three persons all were released after some time. These 3 persons moved *habeas corpus* application before the Calcutta High Court and the High Court, even though deprived under the said Act of the power to enquire into the truth or otherwise of the charges, found the grounds to be vague and indefinite even within the wide and elastic provisions of the Act."

This is what the petition says. Shri Atul Chandra Gupta—the Home Minister knows him very well—is among those who have signed it.

Now, I shall also refer to other instances where very flagrant violations of all conceptions of justice and equity have taken place. There is the case of Nirmal Bhattacharya, Secretary of the Jharia Khas Colliery Workers' Union who was arrested and detained for 4 years during the 1942 movement and after that from April 1948 onward, he was detained again by the Congress administration for 4 years. That is why the members of his Union have sent us this petition which shows all the fingerprints of the humble workers who try to stand by their rights, by their Secretary of the Union, and they assert their right to a free existence in this country.

I shall quote to you Sir, also the case of Mohammed Eliyas who was Secretary of the West Bengal Provincial Trade Union Congress. Against him a charge-sheet was given. I am quoting from questions and answers in the West Bengal Legislative Assembly on the 24th November, 1953, and there this charge-sheet is super-added to the answer to the question by the Government. This is signed by the District Magistrate, Howrah, who after specifying a number of instances when Mr. Eliyas had held meetings of workers said:—

> "As a result of your above activities the workers of A.J. Main

and Co., British Paints and Co., Shanhai and Co., and Shalimar Paint Co., (all British concerns) staged strikes and demonstrations on the 11th September; 1953 on the demand of 3 months' pay as bonus."

This shows how charge-sheets are framed.

There was also a very recent instance. In the Calcutta Port there was a strike, the Port workers said that four years ago there was an agreement between the Port authorities that the Port workers could not carry loads weighing more than two maunds on their head, and that they would have some kind of a hand-cart. This understanding has not been respected uptil now. So there was a strike. As soon as there was the strike, the leader of the Port workers, Sita Ram was arrested and detained. This strike went on and it has since been settled. You detain a man just because he is a leader of the workers who are demanding implementation of an agreement which was reached some four years ago.

I would quote so many instances. Here is an instance from Maharashtra. There is a sugar factory—the Maharashtra Sugar Factory at Srirampore and there was a strike on or about the 24th November. All leaders of the Maharashtra Kisan Sabha and the Scheduled Castes Federation of that area were arrested and detained under the Preventive Detention Act on the 24th of November. Some 900 workers were arrested but these leaders belonging to the Scheduled Castes Federation and the Kisan Sabha were detained at the same time.

I could go on multiplying these instances. There are so many papers that I can hardly tackle them and I cannot refer even to a fraction of them in the time at my disposal. But if the Home Minister is serious we can show him a number of instances where this Act has been very seriously misused.

Dr. Katju: May I just enquire one point? He mentioned 24th of November. I want to know which year?

Shrimati Renu Chakravartty (Basirhat): Last year.

Shri H. N. Mukerjee: 24th November 1953; these people were arrested on that date. I had earlier mentioned the opinion of an Inspector-General of Police. Here is Paper No. VI circulated by the Lok Sabha—Opinions Nos 24-28. On page 46, the Inspector General of Police, Madras says:

> "There are quite a large number of elected representatives both in the State Legislatures and in the Houses of Parliament who belong to the anti-social party referred to above and the security risk will be greatly increased if they are permitted to acquire fire-arms without licences. Giving licences to the Members of Legislature, Members of Parliament, etc. will tantamount to giving a *carte blanche* to such members for the possession of fire-arms. There are certain members who do not believe in the present Indian Constitution and who are aiming to subvert it to suit their ideologies......"

That is the way the Inspector-General of Police goes on.

I want to say very strongly and categorically that the issue of violence has been introduced in this House over and over again by methods which I cannot respect. On the occasion before the last, you chose to express yourself in regard to the sacrosanctity of the Constitution. We respect our Constitution. We are all agreed that we shall work within the ambit of the Constitution. There is no doubt about it. But at the same time in regard to the attitude which we should have towards the Constitution of our country, we ought to make up our minds. In regard to that, since the Home Minister would listen to wisdom from abroad, especially from the United

[Shri H. N. Mukerjee]

States of America, I shall quote what was said by Abraham Lincoln who was one of the greatest democrats in the history of humanity. He has said: "This country......", meaning the united States, "with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."

In the *American Declaration of Independence*, it is said:

> "Whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles and organizing its powers in such forms, as to them shall seem most likely to effect their safety and happiness."

So, they are the criteria—safety and the happiness of the people. On that criterion we said that this issue of violence which has been raised is absolutely irrelevant; it is absolutely *mala fide*.

In regard to this, so many things are said on so many occasions and I am tempted to divert a little and try to rub some sence into the skull of this Government. I do not understand this talk of violence and non-violence. I do not understand when the leaders of the Congress Party get up and say that they are entitled to all credit for the achievement of Independence of this country by non-violent means. We have achieved our Independence as it was offered by the British imperialists; and we had to pay a price—the price of Partition and the result of it had been violence on a scale unprecedented in the history of revolutions. It does not lie in the mouth of the Home Minister or his leader, the Prime Minister, to come forward and say that we have won our victory by non-violent means. Of course, we know the people who had to pay their price and who are paying their price even now in agony and desolation. They do not understand this talk of non-violence and that is something which I ask, in all humility in spite of the tone of my voice, the Ministers of the Government to try to remember.

I would say this also that as far as we are concerned we have said it so many times, we do not want violence for violence's sake. I can quote umpteen instances of what actually is the stand of the communists in regard to violence. In 1934, Stalin had an interview with H. G. Wells and on that occasion he said:

> "Communists do not in the least idealise methods of violence but they—the communists—do not want to be taken by surprise. They cannot count on the old world voluntarily departing from the stage. They see that the old system is violently defending itself and that is why the communists say to the working class: do all you can to prevent the old dying order from crushing you; do not permit it to put manacles on your hands, on the hands with which you will overthrow the old system."

People will certainly overthrow a system which does not lead to their happiness and security. That is why there is this understanding on the part of the pepole—a realistic understanding.

This issue of violence *versus* non-violence as interposed by the Government is absolutely irrelevant. Nobody wants violence for its sake. As far as we are concerned, we tell you that over and over again; we know that in certain perspectives and in certain situations, people can go ahead and make ample gains as far as their living conditions are concerned without having recourse to the usual pattern of revolution. We have said that we are not Blanquists. There was a political philosopher called Blanqui who advocated insurrection. We say that we do not believe in insurrection. That is the basic principle of communism; we do not believe in insurrection. We do not go from Calcutta to Bombay or from Madras to Travancore-Cochin in order to have some sort of insurrection here and there. We do not imagine that if there is such insurrection we shall be able to seize power. It is because we know the social dynamics of the situation that we work for the people: we live with the pepole; we fight for their rights. Then, we know that, when the people come together, there is no force which can keep them back; there is no force which can keep them in their present condition of servility. That is why it is necessary for us to disabuse their minds of all the prejudices which are being sought to be injected into the mind of the country by the spokesmen of the Government. The Prime Minister goes about from place to place and says all kinds of things. He says that we had read books written about 100 years ago and so on. We have read not only the communist manifesto; we have read not only what Lenin and Stalin and Maoe Tse Tung have written; we have also read what the Prime Minister had written. We appreciated his autobiography; we have even read the *Discovery of India*. But, in spite of these, we have certain convictions and we try to relate these convictions to the demands of the people, to their living conditions and to their aspirations for the future. And that is why whereever you find communists working with the people, living with the people, mixing with the people to make the people's cause their own, it is there and there alone that they can have a real movement of their own. But we shall spread all over the country, because that is the way the world forces are operating today.

1 P.M.

If Government has today a scheme of banning communism let it come forward and say so. Why does Government work in this left-handed, devious fashion? Let it come forward before the country and place all its cards on the table. So far as we are concerned we know how the forces of history are operating. We know how the people are reacting to legislation like the Preventive Detention Act; they detest it with every fibre of their being. We know that all opposition parties are under the Damocles' sword of the aplication of the Preventive Detention Act. We know that elections are in the offing, we know how Government has employed the Preventive Detention Act earlier, and that is why we say Government has its own motives for perpetuating this Act and has made out no case for the continuation of this absolutely detested piece of legislation on the statute-book. Government's own actions have given the lie direct to their claim that this Act is today very necessary. When Dr. Katju says that we are living in troublous times he is indulging in a fertile but an extremely misleading imagination. Let him come forward before the House and give cogent evidence regarding the reasons why he thinks it necessary to have this Act.

As far as we are concerned we know that it is a vindictive measure with a political objective, which Government is using sparingly today because Government cannot take up the whip-hand in the manner in which it wishes to do because of the forces of the pepole arrayed against them, but which it wants to keep on the Statute Book because it wants to draw upon this very dubious law in order to carry out those reactionary policies which is basically the policy of the Government of India. And that is why we oppose this legislation and we tell our people, when they feel that after all things are not going so well, we tell our people as one revolutionary had said to the British people in the seventeenth century, "Have no fear, my people, have no fear; it must be worse before it is better." The Congress Government is going along a road which is worse but our people will have a better life. But it must be worse before it is better. And you cannot hope to perpetuate this kind of real autocracy, this kind of riding rough-shod over the deepest aspirations and ambitions of our people.

Dr S. N. Sinha (Saran East): Our hon. comrade friend has again entertained us with his wonderful rhetorics. At one point, when he was excited, I thought the manacles of the Preventive Detention Act were going to put him in their clutches. Yes, Sir, guilty conscience is the worst possible enemy a man can have.

The point to discuss here is whether the conditions in our country are such as to demand the extension of such a measure as the Preventive Detention Act. Without going into the theory or any fantastic principles about democracy I will come to facts, and find an answer to this question.

I wonder, and I am really surprised at the modesty, at the humility of our Home Minister and the harmless way in which he has put forward his case before this House. It is surprising because he must have facts before him in abundance to put before the House and to confront our friends and to tell them "here are the reasons, the dangers for our country, and that is why we need this Act." . But perhaps the laws of democracy are such and perhaps the functioning of the Ministry is such that they do not come forward with this proposition.

But I have no such inhibition and, therefore, whatever facts I have at my disposal I would like to put—at least a couple of them, and very concrete ones—before the House and before the country as a whole so that everybody may see what dangers confront us today.

Just to begin with, I have in my hand a report about a cultural delegation—well, I will call it not cultural delegation but perhaps the ISCUS delegation—which went from India last month to the Soviet Union and which our hon. comrade friend who has just spoken had the honour to lead as its Deputy Leader. One of the members of this delegation who has been there has sent a report to me in which he writes—I will read only a few extracts which are relevant to the present subject—he writes, "On 8th November 1954 at the Woks meeting" —Sir, you will not understand what is Woks; it is a Russian word. It means that this is a Soviet organisation for cultural relations with foreign countries. At the invitation of that organisation these people went to the Soviet Union. "Professor Hiren Mukerjee, M. P. said in his speech", as soon as he reached Moscow "that the Government of India was hostile to this cultural delegation, that the Government of India refused pass-ports and delayed pass-ports, they did not wish that this delegation should visit the Soviet Union, etc."—meaning that the Government of India is not interested in the friendship with the Soviet Union.

Shri H. N. Mukerjee: Sir, may I know what is being quoted?

Dr. S. N. Sinha: I will tell you the authority also. It is written by a member of the delegation which you had the honour to lead and who was present in that meeting where you spoke. That one which I just now read is a very harmless statement. The next one which is perhaps more important and which I must read was in the Oriental Institute of Sciences in Moscow where Professor Mukerjee unblushingly said:

'Pandit Jawaharlal Nehru speaks of peace but his acts are contrary to his words; he does not allow us to work for peace and does not allow us......'

Shri H. N. Mukerjee: What is it that he is reading?

Mr. Deputy-Speaker: He says it is the hon. Member's speech made in Russia.

Shri H. N. Mukerjee: Sir, I deny it altogether.

Dr. S. N. Sinha: Sir, this one also is perhaps innocent.

Shri Punnoose (Alleppey): Sir, on a point of order. Some quotation is being given from a speech alleged to have been made by an hon. Member. I want to know whether something can be called quotation and given—is the hon. Member in a position to place the original or some authentic copy of the statement, on the Table of the House? If that is not possible for him to do, is it permissible for him to read any such thing?

Dr. S. N. Sinha: I will lay it on the Table.

Mr. Deputy-Speaker: He says he will lay it on the Table of the House.

Shri Punnoose: A copy?

Dr. S. N. Sinha: Not only copy, the original also if asked for.

Shri Punnoose: May I know whether he is in a position to place the original statement or a certified copy of it on the Table? Otherwise what is the fun—A told B and C is saying.

Mr. Deputy-Speaker: Somebody speaks somewhere. It is reported in a paper, or it is given out in a letter. The authenticity of the letter or the reliability, how far effect can be given to it is a question for the House to decide. If he quotes a newspaper, or if somebody writes a letter any hon. Member is entitled to quote it. But it is for the House to accept or not to accept it. Very well.

Dr. S. N. Sinha: Sir, this is more important than the two previous ones which I have read.

Mr. Deputy-Speaker: Does he read from a newspaper or a letter?

Dr. S. N. Sinha: Original report written by a member of the delegation.

Mr. Deputy-Speaker: To?

Dr. S. N. Sinha: To me.

Shri H. N. Mukerjee: Is it in order to refer in the House to private correspondence of this sort?

Dr. S. N. Sinha: If it is relevant and in the public interest. Now, the third point, and it will make the point of order clear, is this:

> "One of the associates of Shri Mukerjee, Professor Yardi, in his radio talk openly said, 'Here in Russia even the life of a dog is protected. But in our country India those who are killers of men are highly refarded and honoured?'"

This was broadcast on the radio by a member of the delegation. This broadcast on the radio becomes public property. I have a right to comment on it. I would not have attached any importance to what Shri Mukerjee ever said in this House; but I do attach much importance to this statement made on Moscow Radio. Here it was a delegation which consisted, according to *Pravda* "of Members of Parliament, members of the Indian National Congress, Members of the Legislative Assemblies of Indian States and eminent lawyers, journalists and educationists." One of them made the statement on Moscow Radio which I have just read before you. This discloses a conspiracy, and it is a conspiracy to malign and to defame our country. If they go as delegates from India as Members of Parliament and if they speak such things which I have read before you, on Moscow Radio, it is a very serious matter, indeed.

Not only that. I would not have spoken to you about ISCUS, but very few people know what ISCUS means. It is Indo-Soviet Cultural Society. In all fairness to the Soviet Union, I must say that we stand for friendship with the Soviet Union. Our Deputy Minister of Health went to the Soviet Union and we read in the Moscow newspapers about the high compliments paid to us. It is for the first time in the history of *Pravda*, which I am reading for the last twenty years, that on the front page it has given six columns to our country. A picture of the delegation was also given. "A Day in our Motherland"—that is the heading and what high compliments the Russians have paid to us! You will see the contrast with ISCUS delegation. After seeing the *Allarippu* and

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Thillana dances and especially the *Kathak* dance, the Russians are paying compliments to us and they say:

> "The feelings, thoughts, experiences and impressions contained in the songs, music and dancing stirred our hearts, stirred the imagination and compelled a feeling of profound love and respect for *a great people*—the creator of great and uniquely splendid works. They are the reflection of the soul of a people and hence accomplish an enormous amount for the mutual understanding, heartfelt and sincere intimacy between the Soviet people and the people of India."

But, I must say in all fairness that the ISCUS delegation was not treated so well. *The Pravda* did not mention them in such a way as it mentioned about the delegation of Indian artists which was a real delegation and which created very good impressions upon the Soviet Union.

It is a very good thing to have friendship with foreign countries. But if it becomes a source of intrigue in our country, anti-social and anti-State, then the members of the ISCUS deserve to be detained under the Preventive Detention Act. ISCUS of Bombay consists of communists who exploit the courtesy of the Russian Government and the name of ISCUS is traded upon by them.

Now, Sir, when they come back after defaming our country in foreign countries, how do we treat them? Ours is a very democratic country. We do not treat them as they are treated in other countries. I will give you one instance. In the thirties there were very big trials in Moscow. In one of those trials, a man—whom I knew personally—was supposed to go to Hotel Bristol in Oslo and have a meeting with Trotsky's son, and for that crime, he was shot. But actually no hotel with that name ever existed in the history of Oslo, and there was no account of any plane by which that man was supposed to have gone there. In spite of that, he was shot for the crime that he talked with the son of Trotsky. In ordinary vocabulary, defaming one's country is called 'treason' and for such a treason in every free and democratic country, the punishment is death. But in our coutnry we are very mild. We try to detain them under the Preventive Detention Act, and for that also there is so much hue and cry.

You will see what this ISCUS is doing. The members of the ISCUS come to this country and they hire our Constitution club for Rs. 25 an evening. Before our very nose they gather there and conspire how to ge money from the Soviet Government and they make plans to cheat the Soviet Union for party purposes. Only a couple of weeks back, they met for three evenings. I had somebody there I knew, and I can tell you what happened. Arrangements were made for ISCUS men to visit Moscow, Peking and other places. I was very much tempted because I like travelling. I sent one man and got a plane ticket for him from here to Prague and back. I could not make use of that ticket. I wish, I could have gone to Prague once more. If you want to go to any Capital today, they have connections with foreign countries to help you, and the money is paid by the First Secretary of the Soviet Union. In any other country if such things were done or disclosed, what will the people there do? They will just demand the expulsion of the diplomat. I am not going to demand it. I am simply saying that in the name of ISCUS delegation the money is being paid for various uses. The counterpart Soviet members are in Bombay for two or three days. They do not go to Bihar at all. Why? Because the people there know of what colour they are, and it is going to be disclosed. So, this ISCUS, whatever the name, cutural or anything, is in contact with foreign countries mainly for subversive work.

Now let us go to the very root of it. What is the reason? The reason is this. Our country is developing very fast, no doubt about it. In the international sector we have done very well. On our home front also we are doing well. Our projects are working very well. And that is exactly the reason for the frustration of a few individuals and groups. They will only develop if the country is in anarchy and if we have some chaos, if we have trouble here, if the country is insecure, if the defences are just without guard. And that is what they expected, but they are not getting any opportunity for that. And for that very reason, this very frustration forces them, and they want to come in contact with foreign countries. They have come in contact with them in our knowledge and before our eyes also in the garb of cultural delegations to many countries. No doubt, these cultural delegations as such are very good. But if any cultural delegations are to come in contact with a foreign Government and to work for them in our country, I say it is treason. I request our Home Minister to investigate this matter further.

Organisations like ISCUS are developing some new ideas in the students' circle, in the workers and creating a new enthusiasm for the Soviet Union. We welcome it, but if it is going in the wrong direction, if it is weakening our security, if it is weakening also our defences, in that case, we have to be very particular about it and see that they are not weakned any further by these conspiracies of the individuals. And if they do it, then I think our Home Minister should be bold enough, in the interests of public security, in the interests of public defence to put them under preventive detention, whether they are Members of Parliament or anybody else. It is not open to anybody to act against public security.

I am telling you only in a nut-shell, only in a few words. These individuals who are in touch with foreign countries, these conspiracies, are creating a field which is a provocation to our Government to make a law like the Preventive Detention Act.

In the past it has not been misused. Rather, it has been very mildly used, and that is my complaint. In future, I am sure, it will not be misused at all. I will request the Home Ministry to use it properly.

With these words, I support this motion.

Th. Lakshman Singh Charak (Jammu and Kashmir): At this stage of the debate, I had no mind to participate, but my friend on the opposite side, Shri Asoka Mehta made certain allegations against the Jammu and Kashmir Government and the conditions there. So, I feel in duty bound to say something in the matter.

The House is aware that the relations of the people of Jammu and Kashmir with India are guided by article 370 of the Constitution of India according to which an order was issued on the 26th January, 1950 by the President in which it has been said:

> "For the purposes of sub-clause (b) (i) of clause (1) of article 370 of the Constitution, the matters specified in the First Schedule to this Order, being matters in the Union List, are hereby declared to correspond to matters specified in the Instrument of Accession governing the accession of the State of Jammu and Kashmir to the Dominion of India as the matters with regard to which the Dominion Legislature may make laws for that State; and accordingly, the power of Parliament to make laws for that State shall be limited to the matters specified in the said First Schedule."

After this order, the second order which has come into force was made on the 14th May, 1954. The provisions in regard to the Jammu and Kashmir Legislature are very clearly stated in

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article 35 which refers to Jammu and Kashmir. In part (c) it says:

> "no law with respect to preventive detention made by the Legislature of the State of Jammu and Kashmir whether before or after the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954, shall be void on the ground that it is inconsistent with any of the provisions of this Part, but any such law shall to the extent of such inconsistency, cease to have effect on the expiration of five years from the commencement of the said Order, except as respects things done or omitted to be done before the expiration thereof."

If the hon. Home Minister has put in the Act that this law does not apply to Jammu and Kashmir, he has done just what assurance the Parliament had given to the people of Jammu and Kashmir.

Then, in the Act which was passed in 1950 it was very clearly said:

> "Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to preventive detention for reasons connected with defence, foreign affairs or the security of India."

So, it is very clear that the law as has been put by the hon. Home Minister before this House makes an exception of the State of Jammu and Kashmir. However, it is also essential that the House should be informed as to how things are in the State of Jammu and Kashmir.

Shri **Asoka Mehta** has had some personal experience and according to that he feels that the law and order situation is very bad in the State. He has used the words: "methods of suppression and oppression are used against the people of the State". I am sorry to hear such things from a responsible leader of his standing. I would like to inform the House that previous to August, 1953, when Sheikh Abdullah was at the helm of affairs in Jammu and Kashmir, we had two laws on the Statute Book there. One was the Public Safety Act of 1946 which was retained by Sheikh Saheb when he came to power and was in operation till August, 1953, and the second one was the Defence of Kashmir Act which was passed in the early war days on the lines of Defence of India Act and was on the Statute Book. According to these two Acts, even a Sub-Inspector of Police could take hold of a person and no appeal could be made, nor could these persons appear before any Board. Whereas, after August, 1953, conditions have improved. We have got a new law which was passed in March, 1954 which says in section 10:

> "Subject to the provisions of section 14, in every case where a detention order has been made under this Act, the Government shall, within six weeks from the date of the detention under the order, place before the Advisory Board constituted by it under section 9 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer, also the report made by such officer under sub-section (3) of section 3."

So, the statement made by my friend that there is no Board and that the applications do not go before the Board is not correct. The members of the Boards are properly qualified judicial officers of the rank or education of a Judge of the High Court. There is, however, one provision in this Act, i.e., section 14, which says:

> "Notwithstanding anything contained in this Act, any person detained under a detention order made whether before or after the commencement of this Act in any of the following class of cases or

> under any of the following circumstances may be detained or continued in detention without obtaining the opinion of an Advisory Board for a period longer than three months, but not exceeding five years......"

This section of the law is applied only when the security of the state is in danger. Even the applications of these persons who are taken into custody under section 14, go before an Adviser appointed under the statute; the Adviser is either a judge of the High Court, nominated by Government in that behalf, or a person equally qualified and competent in that respect. So, to say that this law is being applied drastically would be far from facts.

Before August 1953, the normal position used to be that roundabout 250 people were always there in the jails, under the Preventive Detention Act. But since then, the number has gone on gradually decreasing, so that on this day, we have only 15 persons in custody. Out of them, ten persons are such that their detention is very essential in the interests of the safety of the state.

When we discuss this point, I would respectfully bring to the notice of the House the fact that on 1st January 1949, a cease-fire agreement was signed between Pakistan and India on the Kashmir issue. Although a war may not be there, still, the war conditions continue to be there. The cease-fire line is not a natural boundary, but only an artificial line created for a specific purpose. So, infiltration into Jammu and Kashmir and *vice versa* is very easy. Sabotage also is very commonly done. To look after the interests of the people of that State, and to stop the saboteurs taking advantage of the artificial cease-fire line, it is necessary that the State of Jammu and Kashmir should maintain such laws by which they could save the country from mischief.

Today, there are only fifteen persons in custody. Out of them, ten are persons who were kept in detention for the security of the State, and there are five others who have been detained. So, from what I have placed before you, it is very clear that this law is used only very sparingly, and only in very essential cases, and therefore, there is no necessity for any other law of that nature.

I would request the Members of this House, when they deal with the people of Jammu and Kashmir and their problems, to remember that whatever we say in this House, whether on this side or on the opposite side, is taken full advantage by the enemy. It pained me very much the other day when Shri Asoka Mehta, a leader of his standing, spoke in such strong terms about the mismanagement in the State, and fought for the rights of the people of that State, for if you look into the propaganda carried on by the Pakistan Press, you would find that the Pakistan Press and the Azad Kashmir Government have used the very same words which unfortunately my hon. friend Shri Asoka Mehta used the other day.

After all, what does the Pakistan Press say? They say that India has gone there without the consent of the people as an aggressor, and is keeping the pepole there in bondage.

Shri N. C. Chatterjee (Hooghly): Is the hon. Member suggesting that Shri Asoka Mehta said anything like that?

Th. Lakshman Singh Charak: May I read out the relevant portion from his speech? I did not mean that he said those words exactly.

Shri N. C. Chatterjee: Or anything like that.

Th. Lakshman Singh Charak: This is what he stated:

> "Do you think that their goodwill and co-operation with the rest of India should be obtained by forging fetters of oppression and repression? Is that the way in which you are going to win the

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goodwill of these people? Is that the way in which you will ultimately be able to get their cooperation and support and win their confidence? If this Act is bad, let it be uniformly applied everywhere. You are not excluding any part of India from the operation of this Act."

Acharya Kripalani (Bhagalpur *cum* Purnea): These things can refer even to the Indian Government. What is wrong about it?

Mr. Deputy-Speaker: Let the hon. Member who comes from Kashmir explain what he feels about it. I have allowed every Member to say what he feels.

Shri N. C. Chatterjee: I am only pointing it out.

Th. Lakshman Singh Charak: I am sorry if the respected leaders have taken offence to what I stated. I did not mean anything personal. I did not question the *bona fides* of anyone who said like that. I am only submitting that unknowingly perhaps, in the interests of democracy which they profess to support, they have said certain words which will be used by the Pakistan Press as propaganda against us. Every word that is said, and every act that we do in this House is not only confined to ourselves, but goes much beyond; it is published according to their own interests by foreign countries. Therefore, my submission is that we should be careful when we speak about Jammu and Kashmir, for it is a very delicate matter. By making such statements and speeches, we do not bring the people of Jammu and Kashmir nearer to India. We would only be creating complications thereby. Already, there are forces in Jammu and Kashmir which want to create mischief. Some believe in an independent Kashmir, while others say that Kashmir should join Pakistan. Every responsible leader of this House is, therefore, expected kindly to think of these things, if they want to do well to us, which I am sure they do. I respectfully suggest that if they have the interests of the people of Jammu and Kashmir and India at their heart, it would be advisable to speak very cautiously, and say as less as possible.

Shrimati Tarkeshwari Sinha (Patna East): The Bill, as usual, has generated lots of heat in the House. But I had not expected this sort of mud-slinging to go on every time. The saying is that mud-slinging is an art at which two can play. But here unfortunately, the ball is always at the other side, and it is not possible for the batsmen—I mean to say, the Congress Benches—to compete with the habitual mud-slingers. The only thing that we can do is to tell them what Mahatma Buddha told a man who abused him. He asked the man, "If you give me money, and I decline to take the same, what will happen?" The man replied, "The money will come back to me". Buddha said, "Similarly, if I refuse to take the abuses, that will go back to you". I would like to request the hon. Home Minister not to take these abuses in a touching way, because these abuses will always go back to the persons from whom they have come.

I had expected a much higher standard of debate from the so-called new defenders of democracy. But they spoiled their case by locking democracy in the safety vault. It was really thrilling, no doubt, to see the prospective tinseled Rousseaus and Voltaires falling from their inflated glory. With all the well-known slogans of democracy, on their side, it was very funny to see, that they were not even able to define democracy and say what it means exactly in practical aspect, in historical aspect, and in philosophical aspect.

I think the whole question could have been discussed, and has been discussed also, on two main and wide issues. The first is the larger question whether in the present circumstances of the country, it is at all desirable to have a Preventive Detention Act for three years. Secondly, we have to consider, assuming that there is need and necessity for the Preventive Detention Act, whether this Act contains adequate safeguards for the persons to be so detained, and also whether it hampers the free and healthy growth of the society as well as the nation.

I shall take up the larger question first, whether in the present circumstances of the country, it is necessary to have the Preventive Detention Act. Only the other day, for the purpose of this debate, I was reading Harold Laski, the political prophet of this century. He is very fond of quoting a famous sentence of Pericles, which reads 'The secret of liberty is courage'. Now, in the present set-up of our country, when we are trying to build up a beautiful nation out of the ruins, I want to ask, who can challenge the right of Government to channelise man's liberty for the proper growth and proper development of the nation. Nobody can dispute that right. It is the duty of Government to see that the proper development of democracy takes place, that freedom goes along proper lines.

Hon. Members have all along maintained that there is no state of emergency at present in the country. But I want to ask them whether it is only the state of warfare that can be called as emergent. Is it not a fact that the economic abnormalities require as good a remedy as political abnormalities? I do not mean to say that there is chaos in the economic and political life of the country. But there is no doubt whatsoever that even now, a slightest mischief or a slightest irresponsible act on the part of a few mischievous individuals can paralyse the whole nation. How to check that? The normal law is for the normal people, those who believe in the fundamentals of democracy, those who respect the traditions of democracy. But it is not enough for the people whose capital is mischief, which they create to justify their political existence, who want to exploit the country's tears for their existence, who smile at famine and who laugh at calamities. It is not possible that normal law can succeed, in channelising those individuals. It is really a pity to see that every calamity falling over this poor country adds one brick to their dream house. Can these people be dealt with under normal laws? When even the Preventive Detention Act has not been able to reach their cells, what to talk about the normal laws? Therefore, as I was saying before, it requires courage on the part of the Government—in the words of Laski—to suppress the undesirable liberty of a few individuals for the greater good of the greater number. If a sovereign State cannot maintain a proper balance between duty and right, it has no business to be called a sovereign power.

Then we cannot also say that we are living in normal conditions. We are constantly living in uncertain, dark and troubled days. Sometimes the cloud looms on the economic horizon, at other times it blackens the political sky. Over men and women everywhere, as they go about their daily business, broods a continuing anxiety. No man can tell what the next day may bring forth, in the shape of a menace, shock or international upheaval. The result of such condition is that there is a natural temptation for the nation to have a momentary shift and mental fatalism.

Yet it is just at such times as these that we have to be more sure of ourselves and of our aims. The more general the confusion, the greater is the urgent necessity to clearly set before us the conception of life that we want to see realised at home and to find out ways and means to achieve that way of life. The successive squalls and sudden buffets which are now the staple weather of the country makes us all the more keen to guard ourselves, to guard the country from the enemies, in whatever garb they come in. And I would like to tell the Home Minister that the best way to

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deal with these people is to follow the provisions of the Preventive Detention Act and to continue it, in the greater interests of the nation.

An Hon. Member: Permanently.

Shrimati Tarkeshwari Sinha: Through hard struggle, we have achieved a way of life that is called the democratic way of life, and we cannot tolerate an evil eye to cast its ugly shadow over democracy. It is not a new fact. History has shown us from time to time that democracy has been murdered by those people who claimed themselves to be the defenders of liberty, defenders of freedom and defenders of democracy. We do not want to repeat those blunders again. We do not want to hand over democracy into their arena to be brutally murdered. As a custodian of the nation, it is the right of the Government to see that undesirable people do not get the weapon of democracy to murder democracy in a brutal way.

For the last three days, from almost all the Members of the Opposition I have been hearing that this Act has been utilised by the Government for their political ends. But, I am afraid, that Government have, yet, to learn from my friends of the Opposition, the tactics of exploiting situations for political ends. They can be our excellent teachers in the art of exploitation. For the last seven years, we are seeing them, we are observing their conduct and their behaviour. Even a small mishap has been made a capital by them. I would give you an example. They will go to the textile workers and ask them to go on strike and stop the factory producing textiles—cloth for our internal consumption. The same set of people will go to the villages and say: 'Look here, under this tyrannical Government, you are compelled to live half-naked due to the scarcity of cloth'. This is just a small instance, but it shows where the wind blows. But unfortunately for them, so far they have suffered spectacular defeat rather than spectacular success.

They talk about Anglo-Saxon jurisprudence. Some of them have said that in England there is freedom, but here we are following a different tradition and we are denying fundamental freedom to the individual. But I want to tell them that for having that type of freedom, you must also have an Anglo-Saxon mind. I was reading the debates of the last time and I remembered the Home Minister narrated a story about Sir John Simon, a very great lawyer of the time. Sir John Simon was a member of the House of Commons. At that time there was a great strike, in the year 1926. Sir John Simon's speech in the House at that time is considered to be one of the greatest speeches in literature. It is not because of the fact that there was something very literary about it or that a literary person would have been overjoyed to read it, but it was remarkable because it contained a profound doctrine, that to organise even a civil resistance movement against the State of a nature of general strike was something illegal and a perfidy against the State and so the State was justified in adopting ways and means to check the strike, to stop the strike. Do you know what happened? By the speech of Sir John Simon the strike was stopped. The English people have this kind of respect for law; but unfortunately, we do not have that. They will say anything in newspapers, they will say anything in Parliament, but when it comes to a question of law and respect for law, they bow down to legal jurisprudence. They obey the traditions of democracy. They feel that it is their ultimate object in life to preserve the traditions of democracy. Therefore, before we venture to ask the freedom that the Englishman has got, we must also behave like an Englishman.

The Members of the Opposition have said that it is used for political purposes. Here I want to repeat a doctrine propounded by Clemenceau.

He said "peace is only war pursued in different ways". It may be cynical, but it is real in a sense, that I would like to put here. The general communist theory is that there is eternal class struggle, and one class of one country must always sympathise with the similar class of another country. The result is that their spiritual, creedal and ideological loyalties cut across the border lines of countries and these inevitably lead to their behaving in such a way that they get inspiration from other countries in all their actions and motives. I would like to quote a sentence from the debate in the Council of States, which quotes from a document issued by the Hyderabad Government, printed at Hyderabad. It makes a reference to the guerilla struggle in Telangana and all those places by the communists.

> "For such tactics .303 rifle is the most effective weapon by which the enemy at a distance of hundred yards can be killed. This is known in English as 'snining'. This sniping system was adopted by the guerillas throughout the world."

The next sentence is rather important.

> "The Russian guerillas are known prominently for such tactics. It is widely known that the Russian women guerillas by name Ludmulia killed hundreds of Germans with a rifle. If you attain good practice in this tactics you can kill hundreds of the army. To attain perfection you will practise aiming at an object at a distance of 700 or 800 yards."

Still another:

> "Throw grenade through the windows and over the walls, and if opportunity permits, set fire to the house. The enemy should be attacked at every stage and at every place, on the road, on the railway lines,...."

There is another one:

> "The enemy should be attacked at every stage and at every place, on the road, on the railway lines, on paths leading to their camps, at the camps. etc., so that the enemy gets disheartened every day..... Take up arms and unfurl the Red flag and sing the song of Soviet Children."

Shri Mukerjee was very emphatically saying that the Congress is utilising this Preventive Detention Act for their political ends. I would emphatically say that the Congress is utilising this Act to secure and safeguard the people from being brutally murdered. to safeguard the nation from being brutally massacred by the communist groups. They got a small opportunity in Telengana and they—the communists—stooped to do these things. What will they do if they get full freedom? They are rather more afraid of this Preventive Detention Act because it has put a limit on their shady behaviour, on their brutal behaviour. But still they have got the guts to say on the floor of this House—I do not know how many times they have said this thing—that we are utilising law for our political purposes. They have utilised this argument to influence every inch of this land, but unfortunately nobody is going to be influenced by their arguments because their dark and ruthless history is behind them.

Now, I shall come to another point. They have said that it has been used very lightly. I would like to quote some figures. From the figures available, it appears that the persons who were in detention on 3rd September, 1953 were 154, and not one of them was detained for more than a year. From 1st October 1953 to 30th September 1954, that is during the course of that one year—the number of persons detained was 280 in all. But when the year closed on 30th September 1954 the number of persons detained was only 131 in all. That means that nearly 303 were released, leaving the balance of 131 at the end of the year. Of the total number of people who were released, the Government released 166, 65 were released by the Advisory

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Board, and 14 by the High Courts and the Supreme Court. Here, I would like to mention a specific fact that the Advisory Board upheld the detention order passed by the Government in 123 cases. It shows clearly that the Government has never used the Preventive Detention Act in a callous way, in a light way. In a country of 360 million people, if the Government have put 131 persons under detention, it is not a matter over which such a hullabaloo, such a cry, should be raised. It is a matter for which they should be ashamed, that, instead of doing their duty towards the country, they insist on their rights. Every citizen has the responsibility, without asking for the right, to help the programme of building up the nation. You have the responsibility of being helpful for building up the nation. But without doing that duty, you are asking for the rights from the Government, you are asking for more rights than have been given by any of the countries who have achieved independence. Our Government is giving all the rights; the Government is not suppressing those rights, but still, if some persons cannot behave, and are out to ruin the country, there is no doubt that they should be kept under detention, that they should be prevented from ruining the country.

Acharya Kripalani: I rise, at this late hour, to participate in this debate in no spirit of exultation but in a spirit of sorrow and pain. I have no new contribution to make to the discussion, but I want to raise my humble protest against this lawless law. The arguments against the Act have already been marshalled with ability not only by the Members of the Opposition but many Congressmen also. I am glad that even today there are Congressmen who can rise above party considerations and who can see truth and justice and appreciate freedom and who are not willing to murder democracy at the bidding of even their own Government.

We have been told that the law and order situation is normal. The Congress takes credit for it. The Prime Minister takes credit for it: nay, he goes further and says that his Government has done wonderfully well. He also says that the country is on the path of progress and prosperity. Yet, not only is this statute kept on our statute-book but it is alive and is sought to be prolonged for three years more. All this talk of law and order being maintained, and the prosperity of the country, appears to be so much propaganda. The fact is that the Government are themselves conscious that all is not right with the people and there is a great deal of discontent and widespread unemployment and starvation. This makes our society a sick society. Revolutions arise only when society is sick.

Again, we are told that the international situation is not only disturbed but is dangerous and therefore the Government wants this Act. Only recently, I lavished high praise on the Government and the Prime Minister for the success of their foreign policy and I said that you, by your diplomacy, had considerably eased the international situation and brought about peaceful atmosphere in the world. Yet, you yourselves minimise your own efforts and you brazenly tell us that the international situation is very dangerous. Have you then been deluding us and the country by your tall talk all this time? Let me then tell you that if the international situation is dangerous, none of the repressive laws that you pass here can save the world from international conflagration and then, our internal security may also be in danger.

Again, we are repeatedly told that the continuance of the Act is not aimed against any political party including the communists. It is not only the Congress members who spoke in favour of the Bill but the Home Minister and his Deputy Minister—whatever he is called under the new arrangement of ministerial set-up, because the titles go on changing and the emoluments, though the duties remain the same—have all told us that the communists are responsible for breaking law and order. They have told us of the evil deeds of the communists from the time of the Telengana trouble. They have retailed to us their recent resolutions and their belief in the ultimate use of violence. So far as Telengana is concerned, it is forgotten that Telengana was the result of the disturbed conditions of the times. The communists thought that they could take advantage of it to upset the Government and capture power. But then, peace in Telengana was not restored by the Defence of India Act but by strong and sustained action of the police.

However, the Congress cannot with any face talk of communist meance. The Prime Minister, from international platforms, has enunciated the theory of co-existence. In international affairs our Prime Minister is quite at home with the capitalist imperialists and with the totalitarian communists. He only does not like the communists in India, and that is because he thinks that he alone can be the doctor of the many ills from which our country suffers. It is his monopoly and nobody must interfere with it. Otherwise, I see no difference between the communists in India and elsewhere except that elsewhere they have captured power and our Prime Minister is a worshiper at the shrine of Shakti and Power. These very communists nations who have captured power are keeping communism alive throughout the world and are creating internecine suspicion and conflicts.

Shri S. S. More (Sholapur): Will Panditji offer to lead the communists here after they capture power in the country?

Acharya Kripalani: I hope so. If the communists are bad, they are bad everywhere. If internally they need the Preventive Detention Act, in the international field they may need the atom bomb and the hydrogen bomb. As I am not an advocate of the one, I have no fancy for the other.

2 P.M.

But, supposing the communists are evil, even as Dr. Sinha has told us. The best method to deal with them is to ban the Communist Party. It is said in the Bible:

> "If your eye offends you, pluck it out;"

For it is better that one limb should suffer than the whole body fester away. If the communists are bad, suppress them. But why keep the sword of Damocles hanging over the whole country? But you do not dare suppress the Communist Party in India. Do you know why? If you do that, you will lose face in the international world where you have enunciated the peculiar doctrine of co-existence, whatever it may mean.

You tell us that the States want the Act; yet you also tell us that many States have not used the Act. Then why do those States want the Act? They want it, let me tell you, because of the efficiency of their administration; the inefficiency of their police and their C.I.D.; they want to dispense totalitarian justice. Do we not know what recently happened in U.P. in the case of the canal rate agitation? There was an Act called the Special Powers Act, left over from the repressive armoury of foreign tyranny. The foreign masters had devised this Act to put down the political movement of no-rent campaign designed to destroy their rule. This Act, which any lawyer could have told the Government was *ultra vires* of the Constitution was requisitioned and used to suppress an agitation not designed to overthrow the Government. but merely to postpone payment of the cess which had been increased three-fold and four-fold without any enquiry. What was the result? Dr. Lohia who was arrested for inciting people to postpone payment till an impartial committee had gone into the matter and given its award, appealed to the High Court. What was the judgment of the High Court? Dr. Lohia's contention was borne out and the Act was declared *ultra vires* of the Constitution. This is how such pieces of legislation are used to suppress the people to whom the Govern-

[Acharya Kripalani]

ment pay merely lip-service by calling them their masters. You have taken possession of the house of the people and have deprived the rightful owners of their freedom and have subjected them to Police *raj*, which is as good as *goonda raj*. And you have the hardihood to come here and ask us to put the machinery of repression and terror in your hands. This is not the way of democracy; this is not the way to save an infant democracy. Instead of feeding it with the milk of liberty, you are giving it the poison of repressive laws. It is not the Opposition, it is not the *goondas*, it is not the black-marketeers, it is not even the communists, it is you who are the greatest enemies of this infant democracy. If ever this democracy dies, you will be responsible for it. You may live for a day and be no more; but this will be the judgment of history to your ever-lasting shame.

Again, you tell us that the extension of this Act will have a psychological effect. It takes my breath away when you talk in terms of such arguments. Those who have used this argument, the Home Minister, the Deputy Home Minister and the Congressmen have not realised what they are talking. They are talking something which is criminal against a democratic State. They are talking in the language of the Fascists and the totalitarians; they are talking in the language of the great tyrants of history, the Neros and the Chengiz Khans, who ordered massacres in order to create a psychological impression upon the people. They are talking in terms of those who in modern times have invented the chambers of horrors and concentration camps and mass liquidations.

What will be the psychological effect of this Act? It will be fear among the people. And you want to instil this fear among the people. Why will there be more fear under the Act than under the Penal Codes? Because under the provisions of the Penal Code there is ample scope for the accused to defend himself in a court of law. There can be an appeal to the highest judiciary in the land. When all these provisions of civilised and scientific jurisprudence are taken away, all that remains is pure terror. I say such an act of pure terrorism can come only from those who suffer from a kind of sadistic complex. Do the Government want to frighten the people? Do the "servants of the people" want to strike fear in the hearts of the "masters"? Can they be faithful servants of the people, if they do so? In a democracy the leaders of the people are required to educate their masters and not to frighten them. I say, Sir, therefore, to talk in terms of the psychological effect of this lawless law, this black Act, is not only to take away the civil liberties of the people, but also to insult them.

Shri Lakshmayya (Anantapur): On a point of order: is it because he is the Leader of a Group that he is allowed to read his speech, or every Member is allowed to.

Acharya Kripalani: Take it as you will.

I say, therefore, to talk in terms of psychological effect of this lawless law, this black Act is not only to take away the civil liberties of the people, but also to insult the people. Only in a country where people are politically backward and inexperienced can they be injured and insulted with such impunity. In a politically advanced country people will know what to do with a Government that tries to induce in them a psychology of fear. It is this fear that Gandhiji fought against throughout his life and throughout the national struggle.

Shri S. S. More: Forget Gandhiji.

Acharya Kripalani:. Gandhiji's name is prominently associated with non-violence. But as a humble but defective follower of the master, I submit that non-violence did not come first in his philosophy. Elimination of fear was the first and foremost concern of his. It is in the process of eliminating of this fear that he discovered the law of non-violence and the practice of non-violence as the best remedy for eliminating fear. I remember, often, he advised people to use violence, if they did not believe in non-violence. But under no circumstances he told them should they submit to tyranny out of fear. It is this fear that the foreign rules wanted to infuse in the people when they brought in the legislature the Rowlatt Bills and passed them. Gandhiji raised his voice and I remember every leader raised his voice then. I remember those days. I was with Pandit Madan Mohan Malaviya and Dr. Katju was sent for from Allahabad to Simla. I hope he remembers it. Pandit Jawaharlal Nehru was called and the late revered Pandit Madan Mohan Malaviya spoke for six hours against the Rowlatt Bill. I want to remind you of all the old memories.

An Hon. Member: Days are changed.

Acharya Kripalani: Then, two Executive Councillors resigned because of the Rowlatt Bills.

Mr. Deputy-Speaker: We have set apart 15 hours for this Bill as against six hours then.

Acharya Kripalani: One man spoke for six hours. I remember others speaking for two hours each and they were all moderates. They were not extremist politicians. They were not Gandhi-ites. You are only reviving the Rowlatt Act. Remember, that it was against this Rowlatt Act that Gandhiji first started his movement of Satyagraha. Why did he start his movement? Because he thought, if those Acts were passed, they would instil a psychology of fear among the people, and this psychology of fear would make the struggle for *Swaraj* impossible. Therefore, he raised his voice and from that movement flowed all our movements. In those days, of course, our hon. Home Minister was not in the Congress. He was closely associated with political circles and his legal ability was requisitioned in order to enable Pandit Madan Mohan Malaviya to make that memorable six hours' speech. Gandhiji opposed Rowlatt Act because it was designed to terrorise the people and to instil fear in them and all the movements that have flowed afterwards up to the "Quit India Movement" were the result of this Rowlatt Act. Before the Rowlatt Act, Sir, you will remember, Gandhiji like the moderates held that the sum total of the activity of the English people was for the good of India. But, after the Rowlatt Bill, what did he say? He said: "This Government is Satanic". From the sum total of the activities of the British Government being for the good of India he changed to the idea that British Government was Satanic. Why? Only because these lawless laws, these black Acts were passed by the Government. Gandhiji who recruited for the British army in 1917, was in 1919 the bitterest opponent of the Government. Why? Because of an Act like the one which the Home Minister is proud to introduce in this House which the Congressmen are not ashamed to support.

Gandhiji considered fear as the greatest enemy of mankind. He held that a man in the grip of fear can commit any crime as this Government is committing this crime out of fear. It is this fear that he eliminated from our lives. Under him we ceased to fear the foreign Government. We ceased to fear the missions of law of the foreign Government. We cast off all fear of jail, fear of lathi; we even faced bullet shots with bare breasts. With Gandhiji's name on their lips the Government are committing an act of sacrilege when they, by their repressive measures, try to bring back the fear that he had dispelled from the lives of our people. They are undoing his life's work. I want all Congressmen to beware—posterity will make them responsible for putting our people back in the chains of fear from which Gandhiji had realeased them. By passing this Act they will be participating in a great sin against democracy.

Dr. Katju: We have heard during the 14 hours' debate very many eloquent speeches. These eloquent speeches

[Dr. Katju]

have become a usual feature of the debates on the Preventive Detention Bill. I should like the House to know or to remember that this is not the first time that we have heard denunciations of the Preventive Detention Bill. As a matter of curiosity I have got reports here—parliamentary reports—of speeches delivered from 1951 onwards on the Preventive Detention Bill and they are all on the same pattern—murder of democracy, throttling of democracy, decontrol of democracy and all those lines—and if I may be permitted to say so, my hon. friend Acharya Kripalani has clinched the political issue. His mind is coloured, tinctured, absolutely full of the pattern or of the lines that we adopted in order to get rid of foreign rule. One of the favourite things said was: "A lawless law; a black Act". From one point of view that was a correct description. Whatever laws foreign rulers made were ultimately made by their authorities and not by the authority of any Parliament of India. Now, to apply the language of those days—I was present at that 6 hours' speech by Pandit Madan Mohan Malaviya and also on numerous other occasions—there might have been lawless laws in those days. But, I respectfully submit that, to call any Act passed by this Parliament—no matter how much you dislike it—is politically a very mischievous thing. Every Act which is passed by this Parliament is a law and so long as it stands, has got to be obeyed. If it is not obeyed, well, the offender has got to be punished. I respectfully submit, as I said earlier, it is clinching the political issue to call any law a lawless law and invite the people of this land. this Democratic Republic, to disobey that law is doing something mischievous. It is doing something to kill the democracy rather than to nurture that democracy. That is the real issue in the case.

Shri Velayudhan (Quilon *cum* mavelikkara—Reserved—Sch. Castes): Nobody disobeyed it here.

Dr. Katju: Hon. Members go about highly honoured by the people for their past services. My hon. friend Acharya Kripalani and others, go about—I am not talking of this law or that law or to any law—saying "Well, this law is bad. This law ought not to be obeyed. Do not pay taxes. Go about calling Satyagraha." And, this Preventive Detention Act comes into operation not merely for the purpose of preaching any political doctrine, not for the purpose of putting forward any political doctrine, or even asking people to act in a particular way. It only comes into operation when it is prejudicial to the maintenance of public order. "What is the function of democracy?" I ask Mr. Chatterjee, because.......

Acharya Kripalani: If you ask question, we will reply.

Mr. Deputy-Speaker: They are not intended to be replied to.

Dr. Katju: We are quoting British examples. "What is been done in the House of Commons"? I ask him. Is it not a convention in England during these 600 or 700 years of democracy that you may preach against a law, but so long as the law stands it must be obeyed? Is it not the fundamental doctrine of democracy, the rule of the majority? You may in our next elections convert the majority in your favour, then come here and get rid of this Act or any Act which you dislike. But, so long as it stands, it has got to be obeyed. It must be obeyed and the people should be taught to obey it. There is no such thing as Satyagraha against a certain law. I say, we must draw a distinction, a clear dividing line of what was permissible under foreign rulers and what is not permissible here. Will anybody now say that the law Courts of India, today, under this Parliament have to be boycotted? Gandhiji and all of us boycotted them. This difference, I submit, is not borne in mind.

My hon. friend, Shri Mukerjee, referred to a case. That is a very good case in point. I have deliberately not quoted instances because I thought it might not be fair and the real answer is the advice given by the Advisory Board. My hon. friend pointed out to a good instance and referred to it in moving terms and even my heart was touched. Now look at this particular case. There were the leaders of the strike in the Maharashtra Sugar Mills, somewhere near Sholapur. I sent for the file so that I may see it. You will kindly permit me to read out the charges; it may be all wrong but what are the charges. This is a good instance of what is sought to be done under this law. Now here it is: I am not going to read out the names of persons against whom it is framed. It reads:

> "You......., have attended and addressed meetings wherein or whereat you have exhorted, incited and instigated the owners of lands leased out to the Maharashtra Sugar Mills, the labourers working on the company and the local labourers and others to join as volunteers of the movement for compelling the sugarmills to accept the demands of returning the lands leased out to the company back to the owners and for giving work to the local labourers and for increasing the rate of cutting and payment of bonus to the labourers etc. and to achieve this by any means..."

Look at these words 'by any means'; it goes on

> "Including defiance of law and disturbance of public order and violence as a result of which acts prejudicial to public order have been committed as is evidenced by the instances to which reference is made below .."

An Hon. Members: These charges are false.

Dr. Katju: It goes on:

> "You advised the audience that violence should be used to achieve the aim and the law and order should be disregarded and broken down to gain your demands. You told the audience that in order to get the leased lands back, they must weaken the officers of the company by cutting their hands and legs......" (*Interruptions*)

These are the charges; they may be wrong. It continues:

> "People must be prepared to go to jails without any fear of Government order. You further advised the audience that terror must be created by arson and beating and Government servants should be beaten if they interfered. Shri Ogale must be removed from your way by cutting his legs. You threatened the audience that if they did not co-operate with you in this respect, they would be troubled..."

My hon. friends are laughing. I do not know whether it is a matter for laughter.

An Hon. Member: They laugh at murders even. (*Interruptions*)

Mr. Deputy-Speaker: Order, order. What I am not able to understand is this. When Shri Acharya Kripalani was speaking not a single man uttered a whisper except one hon. Member who wanted to raise a point of order which was not a point of order. Hon. Members cannot go on laughing. Does the Hon. Member say that he wants to go and embrace Shri Ogale. What is it? They say that there is one version here. It is the Government version. If the hon. Members have got any other version, they can produce it; it is not by laughing and jeering that they could carry on the proceedings. Even responsible people here do like this. After a debate of so many hours, Government wants to answer the charges and I shall have to allow them to do so. I cannot understand when even the front benchers laugh like this.

Shri N. C. Chatterjee: All that we wanted to know is this: What was it that he was reading; is it a mere police challan or some grounds of detention?

Dr. Katju: These are grounds of detention.

Mr. Deputy-Speaker: The truth may be something else. This is what is alleged. If the hon. Members come and sit on this side, can they do without police, without a complaint, without a Criminal Procedure Code? What is it that the hon. Members are doing here? They prevent the normal course of business. Every time they are jeering and laughing. I am really surprised at this.

Shrimati Renu Chakravartty: It is a fantastic charge.

Mr. Deputy-Speaker: Let every hon. Member speak. But I am really surprised at this; even responsible people are going on jeering and laughing every time. Certain charges have been levelled; they are being answered. Hon. Members can accept or may not accept them. I am going to put these things clause by clause and every amendment also if it is admissible. Even though hon. Members say 'You', 'You', as if I am guilty of all these charges, I still put up with those.

Dr. Katju: These are the charges:

> "You would compel the company to accept your demands; you would resort to all possible ways to achieve your goal. If the company officers intervene, they should be done away with. About 100 villagers had attended the meeting. You threatened the labourers to abide by the decision of the Taluk Shetkari Sangh; otherwise you would burn their houses and they would have to leave their bullocks and carts there only. You would be prepared to do any harm."

This is what actually happened.

> "On the 11th of November, while a group of villagers nearing about 50 were going towards the village of...... and they caused considerable damage to trolly lines of the Maharashtra Sugar Mills and removed the change-levers at the instigation of the Sangh leaders. On the 23rd November, you cut about 12 to 15 acres of sugarcane from...... and so much was taken. On the 24th November you entered the harvesting camps of the Maharashtra Sugar Mills in... village ...... They were violent and they snatched by force the knives from the workers who were not willing to join the strike. They even openly declared that they would assault and beat anybody who does not respond to their call."

Shri Bogawat (Ahmednagar South): This is from my district: every charge is true.

Dr. Katju: These are the charges. (*Interruptions*). I say with some confidence that these charges were put to the Advisory Board. This book will tell you that in a number of such cases, the Advisory Board thought that the man should be released either because the charges were not established or they thought that one or two months of detention was quite sufficient to meet the needs of the situation. But in 123 cases, they held that charges like these were established. I say, whatever my hon. friends might say, these Advisory Boards have all got on them members of the highest judicial calibre. (*An Hon. Member*: Question). They are all Judges of the High Court—either sitting Judges or retired Judges or they are people who are qualified to be High Court Judges. When we talk of Magistrates, when a Magistrate decides the case, from the Magistrate, one may appeal to the Sessions Judge and ultimately the case goes before the High Court— one High Court Judge, or at the most, two Judges. Here the case goes straight to the High Court Judges. They are not children; they get all the information. As this statement at page 6 shows they also ask for additional information either at the instance of the accused or because they themselves want and then only they come to some decision. I should say that their advice should not be treated as if it is something of no value at all.

Shri N. C. Chatterjee: Does the hon. Home Minister know that the Board hears the police officers or the investigating officers behind the back of the *detenu*? He is not at all there; there he has not got any chance of knowing as to what is communicated to the Advisory Board.

Dr. Katju: The Act says that the Advisory Board has to consider all the materials put before it. It sends for such information as it requires; it hears the *detenu* if it wants to hear him or if the *detenu* wants to be heard. I do not know whether there is any law which says that the members of the Advisory Board should remain absolutely mum and should not even put a question to any police officer in the absence of the *detenus*. But please remember we are dealing with three High Court Judges, and Parliament is entitled to assume, whether they acquire their information in this way or that way, that they would bring to bear upon the matter before them a judicial mind, and therefore their judgment is entitled to the greatest consideration. I am not going to trouble the House with the one hundred and twenty-six charge-sheets in which the Advisory Board thought that the action was justified, because it would be much too tiresome. I only ventured to read one because my friend Shri H. N. Mukerjee mentioned it by name and mentioned it as an instance of the *zulum* that had been perpetrated upon innocent workers, and I say "these were the charges".

Please remember over and over again that expression of opinion is no ground for action under this Act; even non-payment of taxes is not any ground for detention. What is ground for detention is its effect upon law and order, its effect upon the maintenance of order. These are the very words of the statute. People come from Calcutta and my hon. friend says, "Look at this big petition which has been signed by sixty-three thousand people......"

Shrimati Renu Chakravartty: One lakh.

Dr. Katju: ..."who want the Preventive Detention Act to be discontinued". That is very easy, getting signatures. Goodness knows what was told to them and how they were asked. But I remember something of Calcutta. My mind goes back to those days when people were shot in the tramways, to those days two years back when there was a big tramway strike. And last year, I think, there was the All Teachers' strike. I do not name any political parties, but all that is grist which comes to the mill. So very many friends got mixed up. And what was done? They took charge of the strike and decided "let us go and surround the Legislative Assembly Hall". They all got there, did not let Members in, did not allow Members to come out. A new thing was developed, the *ghirao* technique. In the Legislative Assembly Chambers Members remained for hours and hours. In the Calcutta University the members of the Calcutta University Senate had to spend twelve hours at night in the Hall. The hon. lady Member is laughing. I wish she were a Member of that Senate.

Shrimati Renu Chakravartty: You get mixed up with facts, that is why I am laughing.

Dr. Katju: If she were asked to spend a sleepless night, a night without dinner, just sitting, she will understand. That is the way things are going on. My hon. friends Acharya Kripalani and others indulge so much in eloquence without the least reference to realities. I was reading last evening the speech of my revered predecessor Shri Rajaji. When Shri Rajaji introduced his Bill in 1951 I counted the number of days of debate; it took seven days for him to get it through. He gave a very matter-of-fact opening speech and then came the eloquent torrent. He was not washed away by it as I am in danger of being. He said there are two ways of approaching the question. One is the way of eloquence and of theories—democracy, infant democracy and, as my hon. friend said, liberty, worship of the goddess of liberty.

Acharya Kripalani: We did not talk of infant democracy. It is the Deputy Minister and the Congress who talked of it.

Dr. Katju: And worship of the goddess of liberty. And the other is reality. What are the realities of the situation? We are concerned with the realities. My misfortune has been I am in charge of it from 1952. In 1952 the number of detenus was very large. The criticism was: Oh, this is being abused, people are being put into jail in such large numbers, one thousand, two thousand. When the numbers began to fall and I thought it was a matter of credit and the Act was being utilised very well—you will remember, hon. Members will remember that we went through section by section, liberalised it, made it very gentle and made it for a fixed term—when the numbers began to go down, the allegation is: what is the use, law and order has now been restored, therefore you can now do away with it. Every time there has been criticism, there has been strong criticism, all in the name of liberty. My respectful submission is no attention is being paid to the realities of the situation.

I am not going to enter into it now. but please remember that there may flare up any critical situation any day, not, by God's grace, about security; but during the last seven or eight months we have had communal disturbances, which took place in Uttar Pradesh, which took place in Madhya Pradesh, which took place on a large scale in Hyderabad. You, Mr. Deputy-Speaker, will remember about that green flag, the Pakistan flag. In Uttar Pradesh there were communal disturbances at Aligarh, at Pilibhit, at Haldwani; then the students' agitation. Then my hon. friends—in spite of the charming eloquence of my hon. friend Shri H. N. Mukerjee they never budge an inch from their original doctrine. He hinted at it even today. He says: use constitutional methods, but the position is going to be worse, and then we will come into the picture. If it becomes worse the picture is violent. It is not the question whether you preach violence at a particular date or occasion or not. The question is you do not want to take the people towards law-abidingness, laws passed by this Parliament. You always hint that the law should be broken, these laws are not entitled to reverence, obedience, this Parliament is a sort of bourgeois parliament. When you come into power how things will go on and what will happen, goodness knows. I can understand Mr. Chatterjee, also my friend Acharya Kripalani because he hinted at banning the Communist Party. But I cannot understand the Communist Party, as to what they preach, what is the model that they are trying to place before us, is it the Russian model, or what sort of a model.

Shri Punnoose: Human model.

Dr. Katju: If I can get it from their books, manifestos, resolutions it is: down with the government, down with the laws of the land, teach people to rise, revolt and break the law, first by way of *satyagraha*, by forming strikes, and when you get strikes, in regard to the people who do not join the strike, use violence upon them. This is something which ought to be stopped.

There is another point also and it is this. I have mentioned that all the State Governments have expressed the opinion that this Act should continue in force for some time longer. Please remember that we have got three Lists. Everybody knows that, the Union List, the Concurrent List and the State List. In the Union List, as was pointed out by my hon. friend Pandit Thakur Das Bhargava, you have Preventive Detention—item No. 9—Preventive Detention for reasons connected with Defence, Foreign Affairs, or the security of India. Pandit Thakur Das Bhargava said he was quite agreeable that there should be a Preventive Detention Act or provision for preventive detention for these three purposes.

Pandit Thakur Das Bhargava (Gurgaon): As well as the security of the State.

Dr. Katju: He went further and said the security of the State. This is the Union List. The only authority who can enact in regard to these three matters is Parliament. Under the Concurrent List it is preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies. Every State Government is entitled to say, "either let Parliament pass a legislation or we will pass our legislation". The House will remember that when Sardar Patel brought the Bill in 1950 for the first time, he said that with the introduction of the Constitution, all such laws had lapsed because of the fundamental rights. Therefore there were two courses: either each State should pass a law of its own or the Centre should pass a uniform Act. Then Parliament sanctioned that there should be uniformity of law about preventive detention. If Parliament says, we will not pass any law for maintenance of law and order, the State Governments will say, we will bring a law for this purpose ourselves, because from the very beginning they have been saying that this Act has had a very restraining effect.

I do not want to go on this way for hours. Please remember this. What harm does the law do? My hon. friend, Acharya Kripalani, said it creates a fear. Fear of what?

Acharya Kripalani: I did not say that. You yourself said it has a psychological effect.

Dr. Katju: Fear should be of dangerous things. Fear should be of bad things. Fear should be of wicked things. But obedience of the law is something to be desired. This Act is only for those people who are wrongfully minded and who want to break the law of the land to create trouble. Whether there is any disturbance, when the students go on strike or labour goes on strike, some people go there and create trouble and lawlessness. That is what we want to stop and I say that is not fear of any bad thing. That is a good thing. If you want to establish democracy it ought to be done. If you do not do it your democracy cannot flourish.

Someone said that three years was too long a period. I confess that normally it might have been two. I thought that after the passage of two years, we will be in the general election year. I do not know when this Parliament will be dissolved. So, I thought it would be better for everybody that the period should be three years so that the new Parliament may take up this problem and take its own decision. Otherwise there is nothing sinister about it.

I stand by the offer which I myself made two years ago, namely to give the House an opportunity of considering this problem of the Preventive Detention Act and its working in the preceding twelve months by bringing a resolution. In 1953 I tabled a resolution and I asked the House to consider it. I supplied a similar table of figures and we had a debate upon it. I am perfectly willing to abide by that undertaking. If this Act is passed, then, in 1955 and 1956—in 1957 of course the new Parliament will deal with it—we may have an annual debate. I shall supply to you information on these lines and that will give an opportunity to the Government to make up its mind. We will consult all the Members of Parliament, ascertain their wishes and then Parliament can take action accordingly.

There was something said about Jammu and Kashmir. My hon. friend from Kashmir has dealt with this. The House remembers that in between there have been some developments and the President has issued an order under which it has been declared as to what particular sections of our Constitution are applicable to Jammu and Kashmir. The Supreme Court's jurisdiction has been extended to Jammu and Kashmir; but this particular section, namely, preventive detention

[Dr. Katju]

section has been excluded, because the Jammu and Kashmir Government said that they had a law of their own and that law was quite sufficient for the purpose. That has been acceded to and the result is that we have had to exclude the Jammu and Kashmir Government from it.

Mr. Deputy-Speaker: I will now put the amendments to vote.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1955."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st February, 1955."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th February, 1955."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Shri N. C. Chatterjee, Shri A. K. Gopalan, Shrimati Sucheta Kripalani, Sardar Hukam Singh, Shri Shankar Shantaram More, Shri Tek Chand, Pandit Thakur Das Bhargava, Shri Bhagwat Jha Azad, Dr. Ram Subhag Singh, Shri K. G. Deshmukh, Her Highness Rajmata Kamlendu Mati Shah, Shri P. N. Rajabhoj, Dr. A. Krishnaswami, Shri Nand Lal Sharma and the Mover with instructions to report before the 22nd February, 1955."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Preventive Detention Act, 1950, be taken into consideration."

The Lok Sabha divided: Ayes 135; *Noes* 38.

Division No. 7] **AYES** **[2-45 p.m.**

Agrawal, Shri M. L.
Ajit Singh, Shri
Akarpuri, Sardar
Altekar, Shri
Azad, Maulana
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhakt Darshan, Shri
Bhandari, Shri
Bhargava, Pandit Thakur Das
Bhatt, Shri C.
Bhawanji, Shri
Birbal Singh, Shri
Bogawat, Shri
Brajeshwar Prasad, Shri
Chaliha, Shri Bimlaprosad
Chanda, Shri Anil K.
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Dabhi, Shri
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri K. K.
Das, Shri S. N.
Datar, Shri
Desai, Shri K. K.
Dholakia, Shri
Dube, Shri Mulchand
Dube, Shri U. S.
Dubey, Shri R. G.
Dwivedi, Shri D.P.
Dwivedi, Shri M. L.
Gandhi, Shri M. M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gounder, Shri K. S.
Gupta, Shri Badshah
Hazarika, Shri J. N.
Heda, Shri
Hembrom, Shri
Iyyunni, Shri C. R.
Jain, Shri N. S.
Jayashri, Shrimati
Joshi, Shri Krishnacharya
Joshi, Shri M. D.
Joshi, Shri N. L.
Kakkan, Shri
Kale, Shrimati A.
Kasliwal, Shri
Katham, Shri
Katju, Dr.

Khongmen, Shrimati
Kirolikar, Shri
Krishna Chandra, Shri
Kureel, Shri B. N.
Lakshmayya, Shri
Lallanji, Shri
Laskar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Majithia, Sardar
Malliah, Shri U. S.
Malviya, Pandit C. N.
Malviya, Shri Motilal
Maydeo, Shrimati
Mehta, Shri Balwant Sinha
Mishra, Shri Bibhuti
Misra, Shri B. N.
Misra, Shri R. D.
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
Musafir, Giani G. S.
Nair, Shri C. K.
Narasimhan, Shri C. R.
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Pande, Shri C. D.
Parikh, Shri S. G.
Patel, Shrimati Maniben
Patil, Shri Kanavade
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ramaswamy, Shri S. V.
Rane, Shri
Rao, Diwan Raghavendra
Reddy, Shri Viswanatha
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahu, Shri Rameshwar
Saksena, Shri Mohanlal
Sankarapandian, Shri
Satish Chandra, Shri
Sen, Shri P. G.
Sen, Shrimati Sushama
Sharma, Shri R. C.
Singh, Shri D. N.
Singh, Shri Babunath
Singh, Shri H. P.
Singh, Shri M. N.
Sinha, Dr. S. N
Sinha, Shri Anirudha
Sinha, Shri B. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Naryan
Sinha, Shrimati Tarkeshwari
Sodhia, Shri K. C.
Subrahmanyam, Shri T.
Sunder Lall, Shri
Suresh Chandra, Dr.
Suriya Prashad, Shri
Telkikar, Shri
Thimmaiah, Shri
Thomas, Shri A. M.
Tiwari, Pandit B. L.
Tiwary, Pandit D. N.
Upadhyay, Shri Shiva Dayal
Upadhyay, Shri S. D.
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Verma, Shri M. L.
Vyas, Shri Radhelal

NOES

Amjad Ali, Shri
Biren Dutt, Shri
Chakravartty, Shrimati Renu
Chatterjea, Shri Tushar
Chatterjee, Shri N. C.
Das, Shri B. C.
Das, Shri Sarangadhar
Dasaratha Deb, Shri
Deshpande, Shri V. G.
Gidwani, Shri
Giridhari Bhoi, Shri
Gopalan, Shri A. K.
Gurupadaswamy, Shri M. S.
Hukam Singh, Sardar
Jatav-vir, Dr.
Kripalani, Acharya
Kripalani, Shrimati Sucheta
Krishnaswami, Dr.
Mascarene Kumari Annie
Mehta, Shri Asoka
Missir, Shri V.
More, Shri S. S.
Mukerjee, Shri H. N.
Mushar, Shri
Nair, Shri N. Sreekantan
Nayar, Shri V. P.
Pandey, Dr. Natabar
Punnoose, Shri
Raghavachari, Shri
Ramasami, Shri M. D.
Randaman Singh, Shri
Rao, Shri P. Subba
Shah, Shrimati Kamlendu Ma
Sharma, Shri Nand Lal
Swami, Shri Sivamurthi
Veeraswamy, Shri
Verma, Shri Ramji
Waghmare, Shri

The motion was negatived.

3 P.M.

Clause 2.—(*Amendment of* **section** 1 *etc.*)

Shri Raghavachari: I beg to move:

(1) In page 1, lines 9 and 10,

omit "except the State of Jammu and Kashmir".

(2) In page 1, line 12,

for "1957" *substitute* "1955".

Shri P. Subba Rao (Nowrangpur): I beg to move:

In page 1,

for lines 11 and 12, *substitute*:

"(b) sub-section (3) shall be omitted."

Mr. Deputy-Speaker: Let me see. Lines 11 and 12 read:

"in sub-section (3), for the figures '1954', the figures '1957' shall be substituted".

I am afraid the hon. Member's amendment is beyond the scope of the Bill.

Shrimati Renu Chakravartty: That is the ruling you have given?

Mr. Deputy-Speaker: I shall have it argued out later. Let me dispose of the other amendments first.

Shri Tushar Chatterjea (Serampore): I beg to move:

In page 1, line 12,

[Shri Tushar Chatterjea]

add at the end "and the following proviso shall be added, namely:—

> 'Provided that every year within the period of continuance of the Act a motion approving the continuance of the Act shall be passed by the Parliament'."

Mr. Deputy-Speaker: There are some amendments seeking to introduce a new clause 2A, and they are in the name of Dr. Krishnaswami. Is the hon. Member moving them?

Dr. Krishnaswami (Kancheepuram): Yes, Sir.

Mr. Deputy-Speaker: First, let us dispose of the amendments to clause 2, and then we shall take up the amendments seeking to introduce new clause 2A. As for amendments of Shri P. Subba Rao and Dr. Krishnaswami, they relate to the original clauses in the parent Act, this Bill only seeks to continue or extend the operation of the principal Act. I shall hear arguments later as to how far these amendments are relevant.

The amendments moved deal with two points, firstly with the question of extending it to the State of Jammu and Kashmir, and secondly the question of restrcting the period of operation. Hon. Members may speak on these points now.

Amendments moved:

(1) In page 1, lines 9 and 10,

omit "except the State of Jammu and Kashmir".

(2) In page 1, line 12,

for "1957" *substitute* "1955".

(3) In page 1, line 12,

add at the end "and the following proviso shall be added namely:—

> 'Provided that every year within the period of continuance of the Act a motion approving the continuance of the Act shall be passed by the Parliament'."

Now, Shri Raghavachari. I hope arguments will be confined only to these two main points.

Shri Raghavachari: I shall be most relevant to the points at issue, and I shall not say a word more than is relevant.

Mr. Deputy-Speaker: Hon. Members will bear in mind that during the long general discussion that took place, both these points, regarding the need for the Act, how long it ought to be extended, whether year after year a motion of approval has to be brought forward, whether Jammu and Kashmir also should come within the scope of this Act, etc., amongst others, have been touched upon. Bearing that in mind, hon. Members can be as brief as possible.

Shri Raghavachari: My first amendment seeks to omit the words 'except the State of Jammu and Kashmir' from lines 9 and 10 of the Bill. Under the existing Act, as it is, the life of which they want to extend so that it may be in operation for a few more years, it is provided that this Act will also apply to the State of Jammu and Kashmir. But the amending Bill seeks to exclude Jammu and Kashmir from the scope of this Act. There must be some reason why it should be so. But to my mind, there appears to be no reason at all. You have an Act now which extends to the State of Jammu and Kashmir also, but now you want to exclude a portion of the territory of India, *viz.* Jammu and Kashmir, to which the existing Act does apply. Why do you want to do so? I heard a sentence from the Home Minister that the President has issued some Order, in which he has omitted this provision, and therefore, they have to exclude that State. To my mind, it is not clear how an existing Act, which has already been indicated as applicable to a particular State, can by a later Order made by the President, be restricted in its operation. The reason urged by the Home Minister is not clear. My amendment seeks to continue the original position, so that the law will be operative in Jammu and Kashmir State also.

Now, why is it that we want this law to be operative in Jammu and Kashmir? It has been the biggest of controversies in this House that our flag should fly in Kashmir and that the sovereign authority of this House must extend to the State of Jammu and Kashmir also. We have always been fighting for it. You will remember that only recently, this House passed a Bill extending some of our enactments to Jammu and Kashmir also. That being the case, why do you want to restrict the operation of this Act? To my mind, there is absolutely no reason for that, because it violates the cherished objective of this House, namely that there must be one Independent India in which all these States will be partners, subject to the authority of the Union. We want to retain that ideal and that feeling of unity, and therefore, we do not want to exclude any particular State. This is my first argument.

My friend, Shri Asoka Mehta, has already pointed out why it is that we want the provisions of this Act to be in operation in that State also. The law that is passed in that State to take the place of this—when the State is excluded—is much more obnoxious. The limit of the period of detention there is five years and not one year, as it is here, and the advisory board that is constituted there need not necessarily have a chairman who has been or is a High Court Judge or a Supreme Court Judge. There are one or two other variations also, which my friend has already pointed out. Therefore, the provisions of the other law in the State which would operate in place of this are really much more obnoxious, much more opposed to the principles of natural justice—that is, depriving a man of his liberty for five years without trial. Therefore, the exclusion of that State will work very seriously against the liberties of the people of that place.

The argument by representatives of Kashmir will be: 'You are saying something which will be taken advantage of by our enemy, Pakistan'. Well, your enemies will take advantage of it if you enact things which really are opposed to the principles of natural justice. You want an Act in such a way and you do not want your enemies to take advantage of this. What is this but cowardice? When you do something everybody has a right to criticise; you must face criticism rather than say that they will take advantage of that. We feel convinced that we have no business to restrict or take away the liberties of those people also. If the political situation there requires that somebody should be proceeded against under this law, the law as we have passed, is sufficient. With all powers in your hands, you can go on detaining a man: This is so far as the first amendment I have proposed is concerned.

As regards the other amendment, by which I want to insert the figure '1955', my argument is simply this. We have urged all arguments on that and I had also an opportunity. I only wish to say this. The argument of the Home Minister that we cannot be wasting time of the House and we will be busy a year ahead of the elections is somethig which does not at all appeal to me. If an election is to come in 1957, what is it that prevents Parliament from thinking about this measure in 1956? This is something which I cannot understand, unless you want to ensure to yourselves all power and authority to assist your own success favourably during the election.

[SHRIMATI KHONGMEN *in the Chair*]

Otherwise, it is an ununderstandable argument. I have already referred to that instance where some teacher said: 'I have no time to come again to punish you. I will punish you today'. Therefore, the argument does not appeal to me. That a responsible Minister asks this House, on such an excuse to grant an extension to a piece of legislation of this kind for three years is something which I cannot understand at all. For this is an emergent enactment; this is an enactment meant to cover an emergent situation, an abnormal situation, and you want to have it fairly permanently, for three years. 'Never

[Shri Raghavachari]

mind what is the kind of situation, calm or peace, that prevails in India, I will certainly go on with this. The only concession is that I have given an undertaking that I will have the situation examined every year'. Well, then a Bill will have to be brought to repeal this Act. Or you will bring in a resolution and you will give an opportunity to this House to feel satisfied that there is a proper application of this Act and that there is need for its extension and you are prepared to give time for that; yet you want to save the time of the House and therefore, you say, 'give me extension for three more years'. It is but reasonable to expect that this Act may be extended to the minimum period, and if at the next consideration, we feel that there is need for it, it can be extended by one more year, rather than now say 'have it for three years; I will tell you how I have exercised the powers: you had better made some speeches on it; I will have this Act and I will go on enforcing this law'. Therefore, .to my mind, it looks that there is absolutely no case for the extension of the life of this Act for such a long period of three years during which, ordinarily, one cannot contemplate to experience the same kind of political situation which needs this kind of measure.

श्रीमती कमलेन्दुमति शाह (जिला गढ़वाल, पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनौर, उत्तर) : मैं तो इस सारे बिल के विरुद्ध हूं इसलिये धाराओं पर न बोल कर मैं इस सारे बिल पर ही बोलती हूं ।

निरोधात्मक नजरबन्दी कानून, जो आज एक वर्ष बाद फिर हमारे सामने है, भारत के एकतंत्री देश होने के नाते हिन्दवासियों के लिये भाषण, लेखन तथा विचार सम्बन्धी स्वतंत्रता, सर्वतोमुख और महत्वपूर्ण वस्तु होने के कारण, यह विधान अवांछनीय व असंगत है ।

कहां तो स्वतंत्र कहलाने वाले भारत निवासियों की विदेशी शासन काल के समय के ऐसे कानूनों द्वारा बांधी गई बेड़ियां कटनी चाहिये थीं, और कहां १९५१ से इस विधान द्वारा उनकी यह बेड़ियां और भी अधिक दृढ़ कर दी गयी हैं, और असमर्थ जनता का, अधिकारियों द्वारा इस विधान का दुरुपयोग किये जाने पर, न्यायालय तक न पहुंच सकने के कारण, दुःखी हो कर पुकारने का अधिकार भी अब छीन लिया गया है ।

विदेशी शासन से पीड़ित, स्वतंत्रता की बाट जोहने वाली, अब देश के स्वतंत्र होने पर, उस स्वतंत्रता का निःशंक हो कर उपभोग करने की आशा करने वाली जनता पर यह एक ऐसा अंकुश लगा दिया गया है कि सर्वसाधारण की आशायें ही निराशा में परिणत हो गयी हैं, और प्रगतिशील जनतंत्री तत्वों द्वारा इसका घोर विरोध निष्फल करके इस विधान की अवधि अब और भी बढ़ायी जा रही है, जो किसी भी जनतंत्री देश के लिए दुर्भाग्य की बात है ।

क्या आज भारत में हिंसात्मक तत्वों का इतना जोर हो गया है कि उनको काबू में लाने के लिये इस विधान के अतिरिक्त और कोई विधान रहा ही नहीं ?

इस विधान की अनावश्यकता का प्रमाण १९५१ में भारत की विभिन्न जेलों में २२८ कैदियों का होना और आज उसकी चौथाई संख्या का भी न होना है ।

इस विधान की अनावश्यकता व उचित रीति से पालन न किये जाने का यह भी एक प्रमाण है कि सर्वोच्च न्यायालय द्वारा अधिकतर नजरबन्दों को छोड़ने का आदेश दिया गया है । चुनाव के समय के मेरे अनुभवों से मैं कह सकती हूं कि इसका सत्ताधारी राजनीतिज्ञों द्वारा कितना दुरुपयोग होता है । डा० श्यामा प्रसाद मुकर्जी का नजरबन्दी अवस्था में देहान्त होने से तो यह विधान जनता के खिन्न होने का एक प्रधान कारण बन गया है ।

आज हमारी शान्ति प्रियता की ध्वनि सुदूर विदेशों में गूंज रही है । आरम्भ से ही कटु-आलोचित इस विधान को समाप्त करके हमें,

इस बात को अपने देश में भी प्रमाणित करना है. अथवा इसको ऐसा रूप तो दे ही देना है जिससे न तो अधिकारी वर्ग ही इसका दुरुपयोग कर सकें, और न जनता ही इसे अपनी स्वतंत्रता पर आघात समझे ।

आज यदि हमें अपने देश में किसी विधान की अत्यधिक आवश्यकता है तो वह दिनोंदिन बढ़ते हुए भ्रष्टाचार को रोकने की है । हमारे देश के उच्चतर जनसमूह की मनोवृत्ति इस ओर मुड़ गयी है, जो एक महान दुःख का विषय है । आज हमें ऐसों के लिये अंकुश ढूंढ़ना है न कि निर्बल जनता को कुचलने के लिये, जो पहले ही अधमरी हो कर, अपनी करुण पुकार सुनाने की चेष्टा कर रही है ।

हमारे गृहमंत्री जी के यह तर्क, अर्थात देश की सामान्य स्थिति का न होना संविधान में इसकी व्यवस्था तथा समस्त राज्यों का इस विधान के पक्ष में समर्थन इतने अकाट्य व वजनी नहीं हैं कि इस विधान को जारी रखना आवश्यक समझा जा सके ।

देश की सामान्य स्थीति न होने का कारण, देश में बेकारी, मंहगाई व गरीबी का बढ़ना, और देश की आर्थिक व्यवस्था का बिगड़ना है, परन्तु इन समस्याओं का हल इस विधान से तो कदापि न हो सकेगा ।

जहां संविधान में इसकी व्यवस्था का प्रश्न है, सो उसमें तो कितनी ही, गोवध निषेध जैसी, अन्य व्यवस्थायें भी हैं, जिन्हें सरकार स्वयं तो अनसुनी कर रही है, राज्य सरकारों द्वारा, कुछ करने का प्रयत्न करने पर उन्हें भी गश्ती पत्र भेजकर निरुत्साहित कर रही है ।

जहां तक समस्त राज्यों के समर्थन का प्रश्न है, उसका कारण तो स्पष्ट ही है कि जब विरोधियों के मुंह आसानी से बन्द हो सकेंगे तो अन्य राज्य भला इसका समर्थन क्यों न करेंगे। सो ये तर्क तो बड़े ही निर्बल हैं और समर्थकों की मनोवृत्ति का ही परिचय देते हैं ।

हमारे राष्ट्रपति का यह कथन कितना सत्य है कि आंख मींच कर, विदेशों की नकल करते हुए, यह न विचारते हुए कि अन्य देशों की शासन प्रणाली हमारी परम्परा से मेल खायेगी भी या नहीं, हमें उसकी आवश्यकता है भी या नहीं, हम ढेरों कानून बनाते चले आ रहे हैं ।

हमारे प्रधान मंत्री ने भी अपने कल ही के भाषण में कहा है कि हमें तो अपनी समस्यायें, अपनी परिस्थितियों को देख कर, दूसरों की सहायता के बोझ से न दबकर, तथा दूसरों की नकल न करके, अपने ही ढंग से सुलझानी हैं ।

हम तथ्य को मान्यता न दे कर, केवल कानून के विषय में अनावश्यक विचार किया करते हैं । कितना अच्छा होता यदि पहले अपराध का कारण खोज कर उसके निवारण का मार्ग ढूंढ लिया जाता । केवल विधान की पुस्तकों के पन्ने पलटने से ही न अपराधों में न्यूनता आयेगी न इस प्रश्न की समस्या ही हल होगी ।

यह न्यायी कहलाने वालों का अन्याय है कि वे समर्थवान हो कर अपनी रक्षा के लिये सत्य के बल का सहारा न ले कर ऐसे विधानों को बनाते हैं ।

इन्हीं सब तर्कों से यही स्पष्ट होता है कि अभी हमारे देश में इस प्रकार के विधान की कोई आवश्यकता ही नहीं है ।

Sardar Hukam Singh (Kapurthala—Bhatinda): I also want to say a few words about the reasons for which this measure is enacted. It is no surprise to me that the Government has come up with an extension of this Bill but what surprised me most is the attitude of the Government which has changed altogether since this measure was enacted in the first instance. When in 1950, the Home Minister came up with this Bill, certainly he said he had to spend two sleepless nights, and he said that it was only for one year after which the Parliament shall have an opportunity to review the whole situation. But it was extended for another year and then the Home Minister as spokesman of the Government, showed certain regrets and expressed certain apologies that he had to come up again with this Bill for extending it for one more year.

[Sardar Hukam Singh]

But when in 1952, we were asked again to extend it for two years, though certain improvements were being made, there were no apologies or no regrets absolutely. And now, when we are asked to give our sanction for three years, we are told that it is very essential and very necessary. Besides, they said it is very benevolent and very, very beneficent. So, the Home Minister wants to assure the country that this benevolence and beneficence will continue for another three years at least. I now recollect that, when he concluded his speech on this Bill in the course of the debate in 1952, he said that with easy conscience, we could pass this legislation. At this time, either to the nation or to this House, he did not think, as spokeman of the Government, that he might give an apology or that he should have an apology to offer, namely, that the Government cannot run its machinery with the normal law, and that therefore, the Bill has to be extended for three years. The previous Home Minister had to give his reasons why he wanted an extension of this Bill for one year, and he said that it was inefficiency of the Government and lack of intelligence on the part of the public. It is curious now that that inefficiency has not been made up during the last three years and that lack of intelligence also has not decreased. But who is responsible for this measure then? Now, we want a longer period—three years—as Dr. Katju would put it, and if he says that he wants this legislation because there was inefficiency of the Government and lack of intelligence on the part of the Government, then, are they not responsible to educate the public to become intelligent? If this Government had altogether failed now, then the Home Minister thought he would be able to achieve efficiency and improve the intelligence within two or three years. But now the Government perhaps feels that it is not possible to achieve them even in the next three years. It is curious now that there is no qualm of conscience on the part of the Government that this is an extraordinary measure. Even last time we were told that nobody would be happier than the Home Minister himself if this remained a dead letter on the statute-book. He did not say that he would get it repealed earlier if the circumstances so warranted, but he said this should be laid down in the Statute-book, but that he would be happy if it remained a dead letter. Now, he has come up with a motion for extention for three years. He does not feel any anxiety to have it repealed earlier, and the only substitute that we have been given is that a motion would be made every year after twelve months, when the House shall have an opportunity to consider the measure anew, when the Government would place a statement on the Table of the House and would give figures to show how it has worked. The Members would then have an opportunity of giving their own reactions then, and that is why after a debate of four hours, six hours, or even ten hours, it would be said that the Bill has been considered. There is nothing beyond this. No action can be taken even if it is found that there is no need. Again, that motion cannot include a provision for repeal of this Bill. Therefore, the motion that will come up year after year will not be a substitute. The whole mental attitude of the Government has changed. In the beginning it was only a temporary measure. I do not say that any demand was made for continuance. I remember those words of Rajaji. He said he was not committing himself, and that the subsequent Home Minister shall not come up with any motion for extension. But he thought that perhaps the circumstances might be such that another extension might be needed. Therefore, he was not committing himself. But now, that is not the case of the Government. The Government feels now that this is a very benevolent Act, very just Act, and that therefore it should be placed on the statute-book and the attitude appears to be that it may become a permanent measure. The whole approach is different from what it once was. So, my submission is that when now it is conceded that such a measure would still remain on the statute-book, a time limit should be stipulated. As the amendment of my friend Shri Raghavachari puts it, it should be restricted to two years, that is, 1957 should be changed into 1956.

Shri Raghubir Sahai (Etah Distt.—North East *cum* Budaun Distt.—East) I rise to oppose the amendments that have been moved by Shri Asoka Mehta and Shri Raghavachari. In those amendments, they have suggested that instead of extending the Act up to 1957, it should be extended only up to 1955. When this amendment has been made, I would be within my rights if I say that perhaps the movers have not realised the significance of the Bill which has been moved or the gravity of this measure which is being enacted. We feel very grateful to the hon. Home Minister for having laid all his cards on the table. He has not concealed anything and, as in the last year, he placed a very elaborate statement before us in which he has given all possible information that he had with him. Now, if we look at the annexure to statement No. 11, we will find that out of the 264 *detenus* that were placed in jail during the last year, there were as many as 104 who were detained for violent activities. There were 40 who were detained for goondaism and there were about 43 who were detained for harbouring of dacoits. That shows that a very large number of persons were detained for violent activities. I am not prepared to say anything about the political complexion of those people who committed all these acts.

[MR. DEPUTY-SPEAKER *in the Chair*]

I am one of those who think that in discussing the provisions of this Bill, we should, as far as possible, eschew mention of political parties, because it has been more than once emphatically stated by the hon. the Home Minister that this Bill is not directed against any political party in the country whatever other parties may think about this Bill in their own mind—that is a different thing.

Now, from these figures it is quite clear that there is goondaism, and there are criminal activities in the country. I am also of the opinion that it would not be proper to minimise the gravity of the law and order situation in the country. In a welfare State it is the first and the primary consideration that law and order should prevail and although I think that so far as violent upheavals in the country are concerned, communal warfare is concerned, we have been able to grapple with them, so far as the day to day law and order situation is concerned, I am one of those who think that we are not yet out of the woods and things are not as easy as they are sometimes painted to be by Members of the Opposition. Go to any place in the interior of the district and you will find that everywhere people complain that goondaism is rampant. Now, I do not attach any blame either to the State Governments or the Central Government. Despite their wishes and efforts that law and order should prevail, there is disorder, there are violent activities, because people as a rule are misusing liberty and I am sorry to say that there are political parties which incite people to misuse liberty. Now, no sane Government can ignore these facts. Every sensible Government will have to take proper measures to safeguard against these things.

Before sponsoring the Criminal Procedure Code (Amendment) Bill, the hon. Home Minister invited opinions from all quarters. One of the opinions that he received was from the present Governor of U.P., Shri K. M. Munshi, With regard to the law and order situation in that big State, from which I come, the present Governor says—page 299, Group C of the Opinions:

> "The situation of law and order in this country is far from easy. For a considerable time to come violent or non-violent defiance of law by organised parties is not likely to abate. It will not therefore be sufficient to amend a few

[Shri Raghubir Sahai]

> Acts except with a view to altering the existing criminal law to meet the difficult problems of law and order which are thwarting justice at present."

Shri Raghavachari: Sir, I rise to a point of order. My hon. friend is quoting the opinion of a Governor. We are prohibited from making any observations for or against these big dignitaries. Since my hon. friend has given a quotation, some other hon. Member may start criticising it and an awkward situation is likely to be created.

Mr. Deputy-Speaker: Questions shall not be asked, nor aspersions cast, on a head of a State. Incidentally this will bring the head of a State into the picture here.

Shri Raghubir Sahai: Every hon. Member is entitled to quote any relevant opinion.

Mr. Deputy-Speaker: But I am not of that opinion. I was only trying to consider how far I should allow a reference which helps the hon. Member. He will now pass over and read some other opinion: there are any number of opinions.

Shri Raghubir Sahai: I only made a mention of this in order to support my contention that even a high dignitary like the Governor of U.P. is of opinion that the law and order situation......

Mr. Deputy-Speaker: The hon. Member has not grasped the point of the objection that was raised.

Our rules say that no aspersions shall be cast on the Head of a State, nor shall any hon. Member draw the President for the purpose of enforcing his arguments. If an hon. Member finds it convenient to quote a Governor, another hon. Member will try to destroy the effect of that by saying something else against the Governor. Indirectly we would be casting aspersions and doing the very thing which is prohibited under the rules. Therefore, I requested him—without saying that I am not going to allow not to refer to that opinion. There are a number of other opinions of responsible officers and persons in charge of administration.

Shri Raghubir Sahai: I bow to the ruling of the Chair.

I was contending that the law and order situation is not as is made out to be by some of the hon. Members of the Opposition. In my own humble opinion it is far from easy and we should not take a complacent view of the whole thing. So far as the United Provinces is concerned, I may inform the House that there are communal feelings, there is a students' agitation which is proving to be a great menace ......

Mr. Deputy-Speaker: The two issues before the House are: whether the extension of the Act should be for three years, or for one year, and whether the State of Jammu and Kashmir should be excluded or not.

Shri Raghubir Sahai: I am at the moment dealing with the amendment that the Act should not be extended beyond 1955. The law and order situation, the communal situation and the students' agitation are not matters to be taken lightly; it will take some time before these are brought under control. Under these circumstances, Government has come forward with a proposal that the Act should be extended up to 1957. We are at the moment only concerned as to whether the Act has been misused in the past or whether there is any likelihood of its misuse in the future. From the figures in the statement we find....

Mr. Deputy-Speaker: I intend starting the third reading, if possible, by 4 O'clock.

Shri Nand Lal Sharma (Sikar): Only a few minutes, Sir.

Mr. Deputy-Speaker: The hon. Member has not yet finished his speech.

Shri Raghubir Sahai: We find, Sir, that 119 *detenus* were assisted by lawyers and friends in drafting their representations and 174 *detenus* appeared before the Advisory Boards. In all more than 245 *detenus* were released. All these facts go to show that the provisions of the Act are being used in a very very cautious manner. Therefore, there should be a perfect confidence that the Act will not be misused in the future as it had not been misused in the past.

For all these reasons I would oppose the amendments that have been moved.

Mr. Deputy-Speaker: Shri U. M. Trivedi. I shall come to Shri Nand Lal Sharma after that. Hon. Members may speak for five minutes each.

Shri U. M. Trivedi (Chittor): Sir, I do not know whether five minutes will suffice for me; but I will do my best. Unfortunately I represent one of the All India Parties and I have not been able to put my views before the House.

Mr. Deputy-Speaker: Are not Shri V. G. Deshpande and Shri N. C. Chatterjee from your Party?

Shri U. M. Trivedi: They represent the Hindu Mahasabha. They are not on the All India Party. I belong to a Party recognised in the whole of India.

An Hon. Member: Jan Sangh.

Mr. Deputy-Speaker: I shall keep it in mind for the future. I thought hon. Member belonged to that Party represented by Shri V. G. Deshpande and Shri Chatterjee.

Shri U. M. Trivedi: No, Sir; our views are far apart.

Shri Syamanandan Sahaya (Muzaffarpur Central): Far from progressive.

Mr. Deputy-Speaker: I would like to give an opportunity to every group to express itself, though in the same group many persons may not be called due to want of time.

Shri U. M. Trivedi: Sir, I thank you for the consideration.

I support the amendment of Shri Raghavachari. This amendment of the Act about extending this Act to the whole of India except the State of Jammu and Kashmir is astounding. Originally it was not very good, but still we can say, it was not very bad. The provision was like this, that it will extend to the whole of India, provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to preventive detention for reasons connected with defence, foreign affairs or the security of India. Are we to infer from this amendment that we have washed our hands clean of Kashmir and that for purposes of defence, for purposes of foreign affairs and for purposes of security of India, we are not going to do anything whatsoever, whatever may happen in Kashmir? If this Preventive Detention Act has got any meaning or has any use, it can certainly have its use only for the purpose of security of India, for the defence of India and for the foreign affairs of India. It is all a mockery of law, when we have so many preventive measures all along, everywhere preventive measures galore, we have got preventive measures, public security measures in the various States, we have got section 107 before us in our Criminal Procedure Code, we have the Public Safety Act and we have this Preventive Detention Act, Public Security Measures Act in Kashmir—all these preventive measures are staring you in the face—and it is somehow or other argued—I do not know whether that argument is valid or not, but, I would submit, let the House judge whether such an argument is a valid argument or not—by our Home Minister, reading out from that very valuable and sacred book of ours, the Constitution of India, and saying: "Here, the Constitution of India by article 22 gives us the power of detention." I say, I feel ashamed that such an interpretation can be put upon it. A theif can come and tell the Court: "Here, it is: section 379 of the Indian Penal Code gives the right to commit theft." Article 22 says that if you, for some reasons, want to deprive the freedom that has been given by this Constitution to the citizens of India; if by some process on some exigency or on some grounds of emergency you want to curtail those rights, please curtail them with

[Shri U. M. Trivedi]

some limitations. It does not give you a right. It is not a fundamental right which has been given in your hands. The argument which is advanced is that the fundamental rights gives a right to detain people. I do not think that the fundamental rights give any right to the State. They are meant for citizens of the country and not for the States. It is really with this argument that the hon. Home Minister has approached us saying that this Act must be extended to 1957. He says that our law provides it and it is with that provision that he has come forward with this Bill. But, what I feel is this. Apart from the question of extension up to 1957, if we remember our words when we made this law in the year 1950, we wanted it to finish in 1951. We extended it again and then we wanted to finish it. When we met here in 1952, we said: "All right, we will extend it only up to 1954." And with a further promise that we will be given an opportunity to debate and find out whether or not there was justification for keeping it up to 1954. At that time all those solemn phrases were used and when now, 1954 approaches an end, here it is: we are out with the Bill and are saying that we want it extended up to 1957. It is quite true, as once the hon. Minister for Parliamentary Affairs remarked: "Ours is a steam roller. It moves. Your arguments do not fall on our ears. We do not care for your arguments. We say, it is 1957 and it will be 1957." That is quite true. We do feel frustrated by this thing, that it is your steam roller majority which will decide whether it will be 1957. So, let it be 1957. But, if you can keep your conscience clear and if you can think in the same terms in which you used to think in 1950 or even before that when the hon. Home Minister was wise enough to write a very nice preface to the civil liberties question and said that it was the most 'black Act' that can be kept on the Statute-book. Please get reminded of your own ideas. Just think of it and when you think of it, my own argument is that, if you are quite straight and honest, if Government feels that what it wants to do it wants to do honestly, let some excuse be given as to why Jammu and Kashmir is omitted from the operation of this law. If the Preventive Dentention Act has got any meaning, it can have only this meaning and that is to save our country from foreign aggression, from those who want to sabotage the efforts of our country or to do harm in the defence of our country. It is such people against whom we may not be able to immediately proceed against. Against such people the Preventive Detention Act can be useful. If that is the one and only object of having this Act, then I say: "All right do it." But, by this amendment that it shall not apply to Jammu and Kashmir we are allowing ourselves open to this charge that we have once for all decided that Jammu and Kashmir are no longer our business. The most dangerous point in our seven years' existence has been Jammu and Kashmir. It is in Jammu and Kashmir that preventive detention was possible. In Jammu and Kashmir on grounds of foreign affairs, defence and security of India we could order preventive detention, but by this amendment we are washing our hands clean of it. Why? What are the points? Whenever we make a law we say in the Statement of Objects and Reasons something about why we want to make a particular amendment. In this whole Statement of Objects and Reasons which is given along with this Bill, not one word has been said as to why this suggestion has been made. Neither has it been said in this statement that has been supplied to us. No reasons have been given as to why it is being deleted.

Am I wrong in coming to this conclusion that Jammu and Kashmir has been written off our map or has it been decided secretly that something of that nature is going to happen? If that is the thing, why not come out and tell us beforehand that this is going to happen and that is why you want to drop it off? Otherwise, I see no reason why this amendment should go. I therefore, very strongly suport the amendment moved by Shri Raghavachari.

As regards the year 1957, the whole of the argument of the hon. Home Minister or the argument of the other persons who might have tried to make some suggestions or the other in respect of this, does not hold water. I say this because the Preventive Detention Act has always been used for a political purpose, whether the offences that are alleged may be. I have read at least 137 applications moved in the various High Courts. I have myself been responsible for making many applications in the High Courts of Madhya Bharat and Rajasthan. I have always found that the grounds given are such for which a man can be easily prosecuted. If that is so, where is the necessity for the Preventive Detention Act? Why should a case be put up under this Act? So much so, in many cases, Government action looks most ridiculous.

They have said that those who are harbouring criminals and dacoits were arrested. Is not harbouring a criminal an offence? Then, why could you not prosecute such a man? It is there to help the Government for other purposes. Some political big gun goes to the police and says: 'I am on inimical terms with that particular man. If you want to remain in this district, you do apprehend him and send him behind the bars. I will see to it that you remain here. Otherwise, you go bag and baggage to some other place.' If a man is corrupt he is also threatened: 'Do this or that; otherwise your corruption will cease and I will see that you are behind the bars.' The dishonest Superintendent of Police or the station house officer gets an opportunity of carrying on his nefarious activities and prolonging the process of corruption very easily obliges that big gun and puts behind bars certain innocent persons. This is enforced in this manner. Your records might show something; but if you hold an enquiry in all these 192 or 200 and odd cases, you will find that not a single case will stand the scrutiny. In all these cases, you will find that false allegations have been made.

I remember one case. One detenu said that an allegation had been made against him that he was delivering a lecture at such and such place; on that very day and at that very hour he was a guest sitting by the side of the Chief Justice of India and taking his meals at such and such place in Delhi—at least 500 miles away from where he was alleged to have been. The second allegation was that he was delivering a lecture at such and such place and at such and such hour but at that very time, he was at Indore—about 1100 miles away from the place where he was alleged to have been. He said: 'If you want to put me behind the bars, say that I am a hydraheaded monster and then put me behind the bars saying that people are afraid of me and they get alarmed. Why not say so?'

The hon. Home Minister quoted all these things. Has he himself gone into these allegations? All these statements are baseless and there is no ground for extending this. Nothing has been made out to extend it even for one year. It must come to a peaceful end. We all expect that all these black Acts must come to an end and I whole-heartedly support the amendment.

Shri Nand Lal Sharma rose—

Mr. Deputy-Speaker: I shall call the hon. Member during the third reading.

Dr. Katju: Two points arise. One is about the period. I have said several times that fixing three years is due to avoiding what I may call unhealthy excitement each year. In the year 1952, I think this House has spent about 30-40 hours or probably more. But there was the discussion

[Dr. Katju]

of the whole Bill and then it went to the Select Committee where it was thoroughly discussed. This time we have had 15 hours only. I want to avoid this waste of public time. I gave an assurance then and I give an assurance now that we will have a Resolution moved each year. We will inform Parliament of all the facts of the case just as I have been doing during the last two years through a booklet. My hon. friend said that we may disregard the opinion of the House as shown by the voting on that Resolution. This, I submit—I do not know how to put it—is not really correct. If the view of the House is ascertained and the House is inclined to the view that the Act should no longer be enforced and that it should be withdrawn, Government will be bound to do it. I do suggest that the course adopted by us last year and suggested this year is a very feasible and practical one and is calculated to save the time. Therefore, this should be adopted.

So far as the clauses in the Bill are concerned and also the contents of the Bill, the matter was gone through in utmost detail. If the Government have any desire to bring any amendment to the Bill or to amend it in any particular way, then of course we will have to consult the Parliament. If it is only to say that it will run for another year or so, we may pass the Act for one year and after a year's experience ask for a 15 hours' discussion. You have the other way also. You can pass it for three years and have a Resolution; the object is served. The third year is important because I do not want any troublesome legislation in the concluding year; it is not fair to Parliament. All the hon. Members will be busy in the electioneering campaign and it is desirable that the Bill should be considered in a peaceful atmosphere rather than in an atmosphere which is influenced otherwise. Even here my hon. friend will be telling me to seek election on this issue, and see how I am defeated. There will be challenges of this sort. It is from this point of view that I am unable to accept the amendment.

So far as Jammu and Kashmir is concerned, it appears to me that the hon. Member who moved this amendment is not probably aware or has not read the President's order which was passed on the 14th of May 1954. That order embodies an agreement between the State of Jammu and Kashmir and the Union Government. The order was passed under section 370 which enlarges the list of Union subjects as applicable to Jammu and Kashmir. It says that for Preventive detention purposes, the Act which is now enforced and which was passed by the State legislature one or two years ago, is quite sufficient. As a matter of fact, it may be argued that it goes farther than the contents of our Consitution and there is a clause which says that for five years, it could not be questioned on that ground. Article 9 of the Union List which permits Parliament to legislate for preventive detention relating to these three matters is expressly excluded by that order. So long as that order stands the Union Government is bound by it, or, I may submit India is bound by it. So it is not for me to say that this Bill should apply to Jammu and Kashmir. For that purpose, I am unable to accept the amendment.

4 P.M.

Mr. Deputy-Speaker: I will put the amendments to the vote of the House.

The question is:

In page 1, lines 9 and 10,

omit "except the State of Jammu and Kashmir".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, line 12,

for "1957" *substitute* "1955".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, line 12, *add* at the end "and the following proviso shall be added, namely:—

'Provided that every year within the period of continuance of the Act a motion approving the continuance of the Act shall be passed by the Parliament'."

The motion was negatived.

Mr. Deputy-Speaker: Then we come to the amendment by Shri Subba Rao. Let the points be stated. In so far as the rulings and the precedents are concerned, if there is any distinguishing feature attention may be drawn to that particular fact.

Shri P. Subba Rao: The effect of my amendment would be that the Act should be made permanent on the Statute Book. It may be a surprise. But I agree with the arguments....

Mr. Deputy-Speaker: His amendment is that in page 1, *for* lines 11 and 12, *substitute*:

"(b) sub-section (3) shall be omitted."

Let us be clear about facts. The hon. Member wants the omission of sub-section (3), that is he is opposed to this Bill?

Shri P. Subba Rao: No. The previous amendment relates to restriction to a particular period. I want that it should be on the Statute Book indefinitely. If sub-section (3) is omitted, it will be permanently on the Statute Book. Instead of saying that the Act should stand indefinitely, I want that this sub-section should be omitted so that the period of extension may be indefinite.

Mr. Deputy-Speaker: The amendment in the Bill is that "in sub-section (3), for the figures '1954', the figures '1957' shall be substituted." The hon. Member does not refer to the principal Act; he refers to lines 11 and 12 in the Bill and says that sub-section (3) shall be omitted, sub-section (3) of section 1. That is the amendment of the hon. Member. That is, the words "it shall cease to have effect on the 31st day of December, 1954, save as respects things done or omitted to be done before that date" or sought to be omitted. He wants this act to be permanent. I will allow this. I did not look into the precedents.

Dr. Katju: What is the effect of this amendment?

Mr. Deputy-Speaker: To make it permanent

Dr. Katju: Very good.

Mr. Deputy-Speaker: That is the amendment. There can always be two opinions. Government comes to the conclusion that it may go on till 1958. It originally started in 1950, it has gone on till now and is sought to be extended till then. From time to time Government will watch the situation. Others who are equally interested say: three years are too long, therefore restrict it. Hon. Member here feels that this must be permanently on the Statute Book but sparingly used by the Government though it is permanent.

An hon. Member: He has not said so.

Mr. Deputy-Speaker: Whatever it is, that is his intention.

I thought when an amendment is allowable to bring it down from 1957 to 1955, an amendment that it may be permanent could be quite in order. That was my first impression. But my attention has been drawn since to a passage in *May's Parliamentary Practice*. In this connection attention is invited to May's Observations on page 533 which run as follows:

> "An amendment is outside the scope of the Bill if it seeks to amend the provisions of the Acts proposed to be continued, or to make permanent such Acts, or to include in the Bill a statute which has already ceased to have effect."

When Parliament originally wanted it to be a temporary measure, there was opposition even to a temporary measure and it was said it would be a lawless law and so on. Parliament very charily, with a view to consider the situation arising from time to time and to define how far this could be continued, has made it a temporary

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Act. Now, the original intention of Parliament that it ought to be permanent is not there; on the otherhand, it was that it ought to be temporary. How long, is the only point. That is why the hon. Minister also gave an assurance, as against an amendment that has been tabled that it should be only one year and every year it should come before Parliament, instead of accepting that he has given an assurance that he will bring a Resolution. It is as good as bringing a Bill, because if the Resolution is not accepted he will not continue the Act.

With the parliamentary practice crystallised and the experience of the precedents, this is the position I have. Has the hon. Member anything to say against? If it is intended to make permanent Acts which are intended to be temporary, an amendment is outside the scope.

Shri P. Subba Rao: Can I amend it and say that it should extend up to 1980?

Mr. Deputy-Speaker: I shall give my ruling. Certainly, if he had only tabled such an amendment I might not have ruled it out of order, though it is in perpetuity or for an infinite period. But since he has not done so I am not going to allow it at such short notice. Therefore, whatever might have been my first impression, I am obliged, having regard to the precedent quoted in *May's Parliamentary Practice*, to rule that this amendment which has been tabled by Mr. P. Subba Rao, amendment No. 16, asking that sub-section (3) of section 1 of the principal Act should be omitted, is out of order in that it seeks to make permanent the Act which has been intended by Parliament to be a temporary one. So that goes out.

Shri Gidwani (Thana): Can we not set up our own precedents? Why should we follow *May's Parliamentary Practice*?

Mr. Deputy-Speaker: Government itself has been apologetic about the Bill. The House has been condemning it. In between I thought the hon. Member belonging to a party, where both leader, sub-leader and deputy leader have all spoken against the Bill, I thought he accepted it. In this matter asking me to overthrow the precedent seems to be ill-advised. I am not therefore going to follow it. I will await with great eagerness any suggestion from the Hon. Member in respect of other matters.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

New clause 2A

Dr. Krishnaswami: I beg to move:

In page 1,

after line 12, *add*:

> "2A. *Amendment of section* 3, *Act IV of* 1950.—In section 3 of the principal Act, in sub-section (1), in sub-clause (ii) of clause (a), the words 'or the maintenance of public order' shall be omitted."

I submit that this amendment is in order and I have valid reasons to advance in support of this contention. The usual rule is that when the House approves the extension of a measure, it is presumed to have approved the provisions of the Act: Hence no question of any amendment being moved. This arises is the general rule; but to this general rule there are significant exceptions.

I have looked with care into the ruling given by Mr. Speaker on the Delhi and Ajmer-Merwara Rent Control Amendment Bill. In the course of the discussion submissions were made pertaining to the advisability of moving amendments to the parent Act. That Bill sought to give life to an expiring Act. I have looked into this ruling carefully and I affirm that that ruling is applicable to cases of ordinary laws which are continued. The ruling is given in column 4859 in Parliamentary debates of the 20th March, 1951.

Mr. Speaker said:

> "I have come to the conclusion that, broadly speaking, in cases where a bill is brought to continue an expiring law, it would not be competent to move any amendments seeking to alter or modify the substantive provisions of the expiring law. To this general rule there are some exceptions depending upon the nature of the continuing Bill which seeks to continue the expiring law."

It is my contention that this Bill falls within the category of exceptions.

Firstly, the Preventive Detention Act deals with restrictions on guaranteed rights—guaranteed under a written Constitution. Our rules of procedure must therefore be in conformity with Constitutional propriety, and constitutional law. Article 21 of the Constitution lays down:

> "No person shall be deprived of his life or personal liberty except according to the procedure established by law."

"Procedure established by law" means that the procedure should be specifically considered and approved by the competent law-making authority, each time it is proposed by some enactment to restrict the guaranteed rights in the Constitution. Otherwise words of limitation like "procedure established by law" lose meaning. Moreover, as has been remarked by the Supreme Court, articles 21 and 22 hang together and article 21, it has been pointed out unanimously by the Judges of the Supreme Court represents a fusion of substantive and procedural law. This obviously implies that procedure is to be considered equal in importance to substantive law. How is equality to be achieved? I suggest that this result can be brought about by Parliament being allowed to move amendments to the parent Act. "Procedure established by law" would obviously have no meaning if the legislature sanctions the procedure without detailed examination as to the changes that may be necessary because of the efflux of time and change of circumstances. The very fact of this restrictive measure having been limited to the period of two years adds force to my contention that Parliament, when it passed the Act in 1952, intended the House to have an opportunity to review the entire procedure in 1954, if the Act came up for renewal. A discussion as to the mode, the manner, conditions, method, and the extent of such restraints leading to this legislation is the very narrow of a guaranteed right. By legislation alone have we been given the power to interfere with personal liberty; it follows as an ineluctable consequence that the legislature must have the right to discuss and decide upon each one of the constituent elements mentioned above. If Parliament does not have the power to act thus, the freedom guaranteed in the first part of article 21 becomes illusory, since the safeguard in the latter part, "procedure established by law", is rendered nugatory by Members being driven to vote "aye" or "nay". If ultimate voting is to be on the question of "aye" or "nay" on the issue of extension in a vital and sacred matter like limitation of personal liberty, then indeed we are in serious danger of ignoring the presence of a valuable right like article 21 in our Constitution.

The matter may be approached from a slightly different angle. Let us concede for the sake of argument that there is a case for some sort of restraint. But surely the grounds for restraint do not exist in the same manner and to the same extent as they existed when the original enactment was passed. Obviously the situation in 1950 was totally different from the situation in 1952. Certainly the situation to-day is radically different from what it was in 1952. The House is put on the horns of a dilemma; the Home Minister has a whip hand and is in the advantageous position of being able to maintain thus: "if no case can be made for complete discontinuance, then march

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with me into the 'Ayes' lobby without touching a syllable of the parent Act." Such a procedure would be repugnant to our Constitution. Such a procedure would be subversive of Constitutional propriety and it would not be fair to the House as well. In this connection I should like to refer to *May's Parliamentary Practice* which is usually a valuable and reliable guide. In England no distinction can be drawn between an ordinary law and a guaranteed right. There are no guaranteed rights in the Constitution of the United Kingdom. Parliament is omnipotent; Parliament can legislate on any branch of activity without hindrance. Parliament can interfere with any branch of life without necessarily running the risk of being declared by Courts of law of having infringed any fundamental right. But here under a written Constitution, it is different. Therefore what may be considered to be a sound rule in the United Kingdom for the House of Commons to follow may not be a proper rule to observe here in India.

There is another aspect which cannot be ignored. I think it is assumed that article 22 should not find a place in the Chapter on Fundamental Rights. From one point of view this conclusion is justified. But from another angle is it absolutely necessary that it should find a place in the Chapter on Fundamental Rights. Article 22 by specifying the procedure has imposed restraints on legislative power. It must also be clearly understood that these restraints are operative in all periods and binding on all authorities. Even in the greatest of emergencies, even when we are facing a life and death struggle, even under President's rule, it is impossible for any authority to dispense with these safeguards. These minimum safeguards are meant to be observed by the President as well as the legislature. Article 358 which deals with the suspension of Fundamental Rights makes provision for these two articles, articles 21 and 22, being intact. When such is the approach made by the constitution to the question of detention even in an emergency, when minimum safeguards are stressed and emphasised to protect the individual, it is superficial and misleading to invoke it to justify restrictive legislation and passing it in casual fashion. Hence, whenever any Act seeking to restrict the liberty of the individual under article 21 or article 22 is introduced, constitutional propriety, constitutional usage as well as the Rules of Procedure of this House require that we should go into it in detail, that we should discuss the mode, manner, terms and conditions in existence. This House cannot and should not be precluded from discussing the entire parent Act. This is no ordinary law, and this falls outside the province of the rule enunciated in *May's Parliamentary Practice* to the effect, namely, approval of the period of extension carries with it automatically the approval of the provisions of the entire Act. It does not, it cannot, because where a Bill touches Fundamental Rights, there is a mandatory duty cast on the Legislature to exercise its judgment. Especially in this instance the constitution has laid down that we ought to devise only such limitations as may be necessary in the interests of social control.

I place these matters before you for your earnest consideration. I may also mention that I gave advance intimation to the Home Minister of my intention to raise this point of order in my speech on Saturday. If he is prepared to rebut my contentions, the House, I am sure, would be prepared to hear him.

Shri Raghavachari (Penukonda): I support the stand taken by my hon. friend. I do it for two reasons. He has already invited the attention of this House to one reason, *viz.*, the article which provides that the personal liberty cannot be taken away unless it is according to procedure established by law. In fact, to my mind, it looks as if it strikes at the very root of the competence of this House to enact a piece of legislation of this kind. In support of it, he has advanced arguments.

But, I for one would invite your kind attention to previous precedents in this House. Last time, when this same Bill came before the House it was agreed that we might give amendments and consider all the clauses of the parent Act; even the Leader of the House agreed that such a thing could be done.

The arguments advanced by my friend show that this Preventive Detention Act does not exactly come within the province of the exception: also there is the previous precedent when the Leader of the House accepted that the other clauses of the parent Act could be considered. Therefore, amendments proposed to the other sections of the parent Act can also be considered now.

I wish to submit one other point. You were pleased to read from *May's Parliamentary Practice* instances in which the amendments cannot be considered or should not be considered in order. This first point is that this is not a mere extending Act. It is also an Act which affects another clause of the original Act, particularly the operative portion of it, because the original Act extended its operation to the whole of India including the State of Jammu and Kashmir, but actually they now want to amend that portion of the Act. Therefore, it is not a mere extension of the Act. It is a restricting Act as well. Therefore, the amendments must be considered to be in order.

Dr. Katju: If I may say so with respect, the argument of my hon. friend is a subtle one without any substance in it. He draws a distinction between a so-called Fundamental Right and amendment to the Fundamental Right.

An Hon. Member: Why "so-called"?

Shrimati Sucheta Kripalani (New Delhi): Can he say "so-called Fundamental Right"?

Dr. Katju: Take for instance, the other Bill on which a ruling was given by the Speaker—the Delhi Rent Control Bill. I imagine that it is a fundamental right of an individual to enjoy his property in any manner he likes, one of the parts of that fundamental right being, of the right of enjoyment being, to let it out to anyone he likes at any rent he likes. The very essence of a Rent Control Act is to put restriction upon that fundamental right of enjoyment of property.

There was that Rent Control Bill and in 1951 when the matter came before the House, the Bill was for an extension of that Act by two years. An attempt was made to amend the Act itself, the parent Act, in regard to some particulars, either imposing further restrictions or lessening the burden of the existing restrictions, but the Speaker on a very careful consideration of the whole matter, said: "Well, this is not permissible". And I suggest that no real reason has been given why you should be pleased to depart from the considered practice as expounded by the hon. Speaker.

There is another thing. I think the hon. Speaker has pointed out that, having regard to the existing practice of centuries old standing in the House of Commons, it is open to hon. Members, when they are voting upon the Bill itself which is for an extending period, to consider this and if they are dissatisfied, then, they cannot move an amendment, but it is open to them to vote against the extension itself. So, there is no injustice done. Either you vote for the Bill as it stands or you vote against the Bill as it stands. But under the guise of an amendment saying that we are not going to vote against the Bill—the Bill may be good or bad—but we are going to revise the main Act itself, means that you are going to revise the whole Bill.

An Hon Member: Why not?

Dr. Katju: The hon. Speaker has pointed out another thing, that having regard to the existing practice, it must be presumed that Parliament, when it passed the parent Act as it stands, must have paid the utmost consideration to every single section, every single provision of the Bill. I think there is a passage to that effect in the Speaker's ruling. That being so, Parliament will assume there is nothing requiring revision at all.

There is nothing o preven he hon. Member from having his Bill. He can give notice of a private Member's Bill and take his chance.

Dr. Krishnaswami: That is an impossible suggestion.

Dr. Katju: That I do not know, about the impossibility of it. I am only considering as to what the practice should be. It is for you to give a final ruling. I can only say that I respectfully back all the reasons given by the hon. Speaker and my further submission is that in these matters of procedure there should be constancy and there should be a sort of desire to follow precedents and not change the course of procedure at will.

The hon. Speaker, you would have seen, reserved the matter for his consideration for a number of days and then, after considering all the authorities, gave his considered opinion, and I submit that no reason has been shown why that considered opinion should be changed or departed from.

Dr. Krishnaswami: May I ask the hon. Home Minister whether he thinks if there is any difference by the fact of this Fundamental Right being found in Part III of our Constitution, what importance is he attaching to "procedure established by law", and whether he is willing to take into account the whole scheme and sequence of the Constitution which makes it imperative on the part of the executive not to dispense with the safeguards given under article 22 even in a period of emergency?

Mr. Deputy-Speaker: I have heard both sides. In section 3 of the principal Act, various grounds for the passing of a detention order are mentioned, and one of the grounds mentioned is the maintenance of public order. If public order or the maintenance of public order is threatened, detention proceedings can be taken under the Preventive Detention Act (Act IV of 1950). The hon. Member Dr. Krishnaswami wants to make a substantial amendment to the Act, by introducing this amendment. If this amendment is accepted by the House, one of the grounds on which a detention order can be passed under Act IV of 1950 will be removed from the Statute Book. This is not covered by the present Bill which only seeks to extend the life of the Act by three more years, namely from 1954 to 1957. Incidentally, the present Bill also seeks to amend the jurisdiction of the parent Act, by restricting it to the whole of India *minus* the State of Jammu and Kashmir. These are the two objects which the present Bill has in view, first to extend the life of the existing Act which is about to expire, and second limiting the jurisdiction of the Act so that it does not extend to the State of Jammu and Kashmir. But in its very nature, this is merely an extending Bill.

It is true, that the principal Act is of a far-reaching nature, and it affects the liberty of the citizen. The observations made by the Speaker on a prior occasion in 1951, when the Delhi-Ajmer-Merwara Rent Control Act was sought to be similarly extended, have been referred to by Dr. Krishnaswami, saying that the general rule does not apply to a case where the principal Act is of a very substantive nature, and refers to such fundamental rights as have been guaranteed under the Constitution. In effect, he argued that the expiring laws could be automatically extended, without going into the details or touching by way of amendments portions of it, if those portions related to matters other than those specially guaranteed by the Constitution. He said that there ought to be a difference made between the normal rights of a citizen and those other rights, which the Constituent Assembly has, under the Constitution, taken special care to exempt from the ordinary operations of law; even if those special rights have to be touched, they have to be touched differently, for they have been safeguarded, and guarantees have been introduced for that purpose in the Constitution itself.

This argument is one of substance. But I am afraid I am not able to draw the same conclusion from the ruling given by the Speaker on a prior occasion. The hon. Member referred to a passage in the ruling which reads as follows:

> "To this general rule, there are some exceptions depending on the nature of the continuing Bill which seeks to continue an expiring law. But they are of a limited and also of a procedural character, the vital point being that no expiring law sought to be continued can be taken as an occasion to amend or alter the substantive provisions of the law which is sought to be continued."

The expression "depending upon the nature of the continuing Bill which seeks to continue an expiring law" is there. What exactly the Speaker then meant, regarding the nature of the law is not easy to understand. If there was anything in opposition to the Rent Control Bill, no such law was brought to the notice of the Speaker, and he had not applied his mind to this particular portion. From the use of the words 'nature of the continuing Bill which seeks to continue an expiring law'—a very clever thing, but I cannot say—it can possibly be argued that that term must apply to something else; otherwise, he would not have liked to make a distinction between that law which was before him, and some other law. But from that very statement, it cannot be concluded that he wanted to draw a distinction between a law which affected the fundamental rights, and other ordinary laws. My attention has not been drawn to any precedent which on all fours applies to the present case.

Later on, this very matter came in a different form before this House, when this Act was sought to be extended or a prior occasion. The procedure then adopted was different. Moreover, the Bill that was brought forward then did not stop with merely extending the existing law, but it sought to introduce some substantive amendments as well. It was argued then that inasmuch as that Bill was not merely an extending Bill, but it sought to interfere with some portions of the law which were substantive, there may be consequential amendments and some other portions of the existing law may also be touched in view of the amendments sought to be made by the Bill. Sardar Hukam Singh had tabled an amendment to the effect that the Bill be referred to a Select Committee with instructions that the other portions of the law may also be touched.

But in this case, the House did not accept any reference to the Select Committee nor has any amendment been tabled saying, commit this to a Select Committee with instructions to consider some other portions of the law as well, which during these three years, have not worked properly, and require a change in the light of experience. Pointed attention has not been drawn to that aspect of the matter. No doubt, exception can be taken that during this time the procedure established or the Tribunals and other things provided for have worked properly and it might as well happen like that. In that case, exception can be taken to the continuance of the Act only on the ground that normal life has been restored, there is no longer any breach of the peace, or

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that there is no danger to the maintenance of public order. But no such serious amendments have been tabled here, nor has the aid of the House been sought to refer the Bill to a Select Committee with instructions to consider other amendments. We have neither of these types of amendments here. Hypothetically, anything can be argued, and it may be said that the existing law, even in the matter of its working, during the last three years, has not proved satisfactory; or objections could be raised to the manner in which the Tribunal has worked or the manner in which this Act has been worked. All that is hypothetical.

Under these circumstances, I do not find any authority either in the original ruling of the Chair relating to the Delhi-Ajmer-Merwara Rent Control Act, or in the later ruling referred to, when on a prior occasion, the Preventive Detention Act was sought to be extended. Neither of these apply to the facts of the present case.

A reference was made to *May's Parliamentary Practice*. It is true that in England there is no written Constitution, but notwithstanding that, there are some fundamental rights which they also think of. So, *May's Parliamentary Practice* may not help us either the one way or the other. But so far as the precedents are concerned, I do not find any authority for altering the general rule that in a Bill which seeks merely to extend an existing law, no amendment can be made to the provisions of the existing Act.

Now, inasmuch as some deviation is made from the principal Act in that the State of Jammu and Kashmir is taken away from the jurisdiction of the existing law, it may be argued that the other portions of the Act should also be thrown open for amendment or discussion; and on that ground, it may be said that we can enter into the parent Act and seek to make other amendments. I was prepared to allow an amendment, particularly with respect to the question of extending this to Jammu and Kashmir. I tried to find out whether any hon. Member in whose name that amendment stood was prepared to move it. There was an amendment by Pandit Thakur Das Bhargava to the effect that this Act will extend to the whole of India, provided that in relation to Jammu and Kashmir, action can be taken under the Preventive Detention Act only in so far as there is a threat to the defence, good foreign relations etc. There was an amendment on similar lines in the name of another hon. Member also. I was willing to accept such an amendment and allow it to be discussed, so that Parliament may decide one way or the other. But the hon. Members concerned did not move those amendments. That point is quite germane, because the whole of Jammu and Kashmir State is sought to be excluded from the purview of the Act. It is open to Parliament to say that excepting with regard to these three matters, the Jammu and Kashmir State may exercise its jurisdiction in its own way.

But that amendment was not moved. Therefore, I do not see how that mere fact can be invoked for the purpose of reopening the entire Act and then allowing amendments. For these reasons, I do not agree that the amendment for a new clause, 2A, which seeks to amend the principal Act, is allowable and I, therefore, hold that it is out of order and disallow it.

Clause 1.— (*Short title.*)

Mr. Deputy-Speaker: The question is:

"That clause 1 stand part of the Bill".

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Hon. Members will take five minutes each.

Shri Nand Lal Sharma: You have applied preventive detention in the beginning.

नमोऽस्तु रामाय सलक्ष्मणाय
देव्यै च तस्यै जनकात्मजायै ॥

नमोऽस्तु रुद्रेन्द्र यमानिलेभ्यो
नमोऽस्तु चन्द्रार्क मरुद्गेभ्यः ॥

Mr. Deputy-Speaker: The hon. Member is invoking the aid of God to bless this Bill.

Shri Nand Lal Sharma: To bless the House and the Members of the House—to be of a cool and calm nature.

बात यह है कि मौलिक अधिकार और मौलिक अधिकार पर निवारक निरोध प्रतिबंध दोनों के सम्बन्ध में किसी भी प्रकार से दलबन्दी की भावना रख कर बोलना या विचार करना उचित नहीं है। मैं समझता हूं कि कांग्रेस सदस्यों को भी इस भारतवर्ष की जनता के मौलिक अधिकारों का उतना ही सम्मान है जितना विरोधी सदस्यों को है। ऐसी परिस्थिति में वह चाहते हैं सर्वथा जनता को बांध लेना और उसके मौलिक अधिकारों का परित्याग करवा लेना, यह मेरी समझ में नहीं आता। साथ ही आपके गृहमंत्री द्वारा यह बार बार प्रस्तुत किये जाने वाला निवारक निरोध विधेयक का संशोधन भी सामने आ रहा है और इससे विरोधी बेंचों में कुछ न कुछ आशंका भी पैदा होती है। इसका विरोध भी पहले बहुत बार किया जा चुका है और अब सिद्धान्ततः स्वीकार भी किया जा चुका है। संशोधन भी फेंक दिये गये हैं तो भी मैं यह समझता हूं कि दो, एक बातें निवेदन के रूप में अपनी सरकार से अवश्य कह दूं। पहली बात यह है कि गृहमंत्री को यथार्थ में गृहमंत्री के रूप में ही अपने को समझना चाहिये और उसी के अनुसार आचरण भी करना चाहिये। केवल एक वकालत के दृष्टिकोण से अथवा तर्क के दृष्टिकोण से और केवल यह भावना रख करके कि मुझे अपने तर्क को सामने खड़ा करना है और जनता की भावना को नहीं खड़ा रखना है, इस दृष्टिकोण से आप को इसको आगे नहीं बढ़ाना चाहिये। हम समझते हैं कि किसी भी जगह पुलिस के द्वारा दुरुपयोग भी हो सकता है, होता है और कई जगह पर ऐसा भी होता है कि इस बिल को, इसके द्वारा भारतवर्ष की जनता की रक्षा की जाय, स्वतंत्रता की रक्षा की जाय, बाहर से आने वाले गुप्तचरों से अपने देश को बचाया जाय और ऐसी परिस्थितियों में यदि कुछ अंशों को लेकर कोई ऐसा बिल अथवा इसी बिल को कुछ संकुचित रूप देकर के और उन अंशों को इसमें रख करके जिनके द्वारा बाह्य गुप्तचरों से और [illegible] भी पंचम कालम के लोग हैं उनको रोकने के लिये यदि इस बिल का प्रयोग किया जाय तो अभी थोड़ी देर पहले मैं पंडित ठाकुर दास भार्गव से बातचीत कर रहा था और उनका भी कहना था कि यदि यह बिल देशद्रोहियों को पकड़ने के लिये पक्का भी कर दिया जाय और उनको नियंत्रण में रखने के लिये इसकी आवश्यकता हो तो मैं समझता हूं कि सिद्धान्ततः इसके विरुद्ध नहीं। ला एन्ड आर्डर शब्द ले करके तो मुझे गवर्नमेंट आफ इंडिया के वे शब्द याद हो उठते हैं। पबलिक पीस एन्ड ट्रैन्क्विलिटी। जिस व्यक्ति को भी दबाना अभीष्ट हो पबलिक पीस एन्ड ट्रैन्क्विलिटी के नाम से दबा दिया जाय। मेरा निवेदन है कि सरकार शांति से रहने वाले जितने भी राजनीतिक दल हैं उनकी राजनीतिक भावनाओं को कुचलने के लिये इसका उपयोग न करे।

अभी गृहमंत्री महोदय ने कहा कि दो वर्ष के बाद चुनाव होने वाले हैं, निर्वाचन होंगे और निर्वाचन के बाद जो भी सदन यहां आयेगा, उसको यह कानून स्वीकार होगा तो वह रक्खेगा

नहीं तो फेंक दूंगा। मैं स्पष्ट रूप से पहले भी यहां कह चुका हूं कि हम को यह पता चलता है कि सम्भवतः स्वतंत्र निर्वाचन न होने पावें, इसीलिये इसकी आवश्यकता पड़ गयी। इसलिये उचित तो यह था कि कम से कम निर्वाचन से पूर्व निवारक निरोध विधेयक रोक दिया जाता फिर नई पार्लियामेंट जब यहां पर आये उसको यदि इस की **आवश्यकता प्रतीत** हो तो वह इसको स्वीकार अथवा अस्वीकार करे।

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Nand Lal Sharma: I have not opened my lips throughout the Session, this time I crave your indulgence.

Mr. Deputy-Speaker: The hon. Member has come at the fag end of it.

Shri Nand Lal Sharma: So many times I have been standing up, and also sending my name.

Mr. Deputy-Speaker: I am sorry. Anyway, even if the hon. Member speaks a word, it is pregnant with meaning.

श्री नंद लाल शर्मा : इस सम्बन्ध में जो प्रारम्भिक विधि है और जिस विधि को आज परित्याग कर दिया है, वह धारा २ की उपधारा २ में काश्मीर के सम्बन्ध में जो शब्द रक्खे हैं

for reasons connected with defence, foreign affairs or security of India.

उनको इस कानून में नहीं रक्खा गया है। काश्मीर को इस कानून के अधिकार क्षेत्र से बाहर रक्खा गया है। मेरे विचार में इन तीन विषयों में यदि इसको सदा के लिये भारतवर्ष की सुरक्षा के लिये आवश्यक अंग भी अगर कानून का बना दिया जाय तो भी कोई हानि नहीं है। उसके बदले में दुर्भाग्यपूर्ण बात हमें यह देखने को मिलती है कि काश्मीर को भी हटा दिया गया, उस काश्मीर से जहां पर भारतवर्ष का हृदय से सदा कल्याण चाहने वाला भारतमाता का एकलौता पुत्र जिसके लिये विश्व की पार्लियामेंट कभी उसको स्मरण करेगी उस भारतमाता के लाडले पुत्र डाक्टर श्यामप्रसाद मुकर्जी का प्राणान्त हुआ। किसी प्रकार की भी भारत के अहित की भावना उनके मन में हो नहीं सकती थी, उसने काश्मीर को भारत में पूर्णतया मिलाने के हेतु अपने जीवन की आहुति दी। आज हमारा कानून उस काश्मीर पर से हटा दिया गया, उस अवस्था में जब कि भारत के प्रत्येक कोने में इन विषयों में इस कानून को बनाया जा सकता था, मैं नहीं समझता कि काश्मीर को इन विषयों में से क्यों हटा दिया जाय जबकि काश्मीर को इन में शामिल करना भारतीय संविधान के विरुद्ध नहीं है। हमारे संविधान ने ही नहीं बल्कि काश्मीर का भारत के साथ जो विलय हुआ है वह जिन तीन विषयों को लेकर हुआ है उनमें डिफेंस यानी सुरक्षा और परराष्ट्र नीति शामिल हैं। भारतवर्ष की सुरक्षा उसमें है और जिन्हें हम यहां इस विधेयक के अन्तर्गत पाते हैं किन्तु इन तीन विषयों को बीच में से हटा दिया गया है और भारतवर्ष में काश्मीर का जो विलय हुआ और संविधान ने इन तीन विषयों को लेकर विलय स्वीकृत किया हुआ है उसकी ओर से आंखें मूंद ली गई हैं और उनका परित्याग कर दिया गया है। माननीय उपाध्यक्ष **महोदय, मैं समझता हूं** कि हिन्दू माइनारिटी एन्ड गार्जियनशिप बिल की भांति ही यह विधेयक आया है जो जनता की इच्छा और उनकी भावनाओं **के प्रतिकूल उन पर जबर्दस्ती** लादा जा रहा है, यह प्रीवेन्टिव डिटेंशन ऐक्ट भी देश और जनता के ऊपर जबर्दस्ती **सरकार द्वारा लादा जा रहा है। वस्तुतः जन** सामान्य की भाषा और उन के व्यक्ति स्वातंत्र्य को रखना उन को अभीष्ट नहीं है। इस कानून **की वर्किंग के सम्बन्ध में जो तालिकायें दी गई** हैं उन के सम्बन्ध में मैं बतलाना चाहता हूं कि उन से यह स्पष्ट नहीं होता कि उस में कितने व्यक्ति निरपराध पकड़े गये अर्थात् पकड़े गये और कोर्ट के द्वारा निरपराध घोषित कर दिये गये। जो तालिका ११ है उस के

अन्दर २६१ व्यक्ति पकड़े गये और उन में से जितने लोग मुक्त कर दिये गये उन की संख्या तालिका १२ में २४५ है। आखिर वह क्यों मुक्त कर दिये गये ? उन के विरुद्ध कोई बात सिद्ध नहीं हो सकी। मुझे कई केसेज स्मरण हैं जो कि दिल्ली में, आपके केन्द्र में सुप्रीम कोर्ट के सामने थे। उन को प्रिवेन्टिव डिटेन्शन ऐक्ट के अन्दर पकड़ा गया। लेकिन जब सुप्रीम कोर्ट में उन के मामलों में निर्णय होने वाला था उस से पूर्व उन को सरकार ने छोड़ दिया। स्वामी करपात्री जी महाराज जैसे महात्मा पर भी यह कानून लगाया गया, यह कह कर कि उन का बाहर रहना जनता की स्वतंत्रता में बाधक हो रहा है। जिन के मन में स्वप्न में भी जनता का अहित नहीं है, जो भूल कर भी किसी का बुरा नहीं चाहते और जिन की आध्यात्मिक शक्ति से भारत का कल्याण हो सकता है, ऐसे महा पुरुष को, जब जब उन का केस सुप्रीम कोर्ट के सामने आने लगा, तब तब उस से पूर्व उन को छोड़ दिया गया। थोड़े दिन पहले उन को बंगाल सेफ्टी ऐक्ट के अन्दर कलकत्ता में पकड़ा गया। उन के मामले को निरंतर सरकार टालती चली गई, जब कोर्ट के सामने उन का मामला आने लगा उस समय उस से पूर्व उन को छोड़ दिया गया।

इस लिये मेरा निवेदन है कि इन भावनाओं के साथ गृह मंत्री तीन वर्ष का समय ले रहे हैं। वह बहुमत के बल पर तो सब कुछ करा ले सकते हैं, किन्तु इस को केवल बहुमत का ही बल न दिया जाय। भावना यह रहनी चाहिये कि जनता का कल्याण हो, भारतवर्ष की रक्षा तथा हित हो। मैं तो भगवान कैलाश नाथ की इस भावना से बार बार प्रार्थना कर चुका हूं कि वह घर के पुरखा हैं, वह स्वयम् विष पीने वाले, कालकूट का पान करने वाले और प्रजा को अमृत पिलाने वाले हों। उन को यह प्रयत्न करना है कि आज जो वह प्रजा के गले में भी विष का घूंट डालने का प्रयत्न कर रहे हैं, वह न कर के विष तो वह स्वयम् रख लें और अमृत प्रजा को दे दें। वह अपने को कष्ट दे कर भी प्रजा के ऊपर इतनी कृपा करें तो ज्यादा अच्छा होगा।

Shri Lakshmayya: At the very outset, I want to congratulate the hon. home Minister and the hon. Deputy Minister on this excellent piece of legislation. I am sorry I could not get an opportunity to speak on this Bill during the last two days. I only say with regard to the Home Minister: may he live long! I am sure the people in my constituency will think of him as a saviour and they will pray to the Almighty to bless him with long life—a life extending to 150 years even.

As is said in the Statement of Objects and Reasons, this measure has been an effective instrument to maintain law and order in the country. Some Members said it is shame and even damn shame for the Government headed by Shri Nehru to allow this Act to remain on the Statute Book. That is not correct. I am sorry for that criticism. I say that it is neither shame nor damn shame, but it would gain fame,—immortal fame, and name for our Home Minister for having such a weapon in the armoury of administration. I feel really and sincerely that it is necessary and absolutely necessary for the protection of democracy.

Shri Gidwani: On a point of order. He wishes long life. Is it to the Bill or to the Minister?

Mr. Deputy-Speaker: To the Minister, so that he may bring this measure again. The hon. Member is speaking with so much emotion. Has he got any personal experience of this measure?

Shri Lakshmayya: Yes. I have got personal experience. Sir, you are also aware of some of the incidents—horrible incidents—that have occurred in my constituency. A loyal and law-abiding citizen who was sitting in his shop at about 12 o'clock, in the heart of the town, was insulted, assaulted and dragged out of the shop

[Shri Lakshmayya]

by two persons who entered his shop all of a sudden. He was beaten with the shoes. I remember the public came and represented to you during your visit to my parts. They made an appeal to you for protection from those undesirables.

Mr. Deputy-Speaker: Why should I be drawn into this?

Shri Lakshmayya: Many persons were there, witnessing the incident. But nobody dared to intervene.

Mr. Deputy-Speaker: Was it during the night or day?

Shri Lakshmayya: At midday—12 o'clock, Sir! Nobody dared to approach the assailants and intervene. The shop-keeper was left to his own fate. Of course, afterwards he went to the police station and preferred a complaint. But what happened to that complaint? Nothing came out. Several people were present, and they all witnessed that occurrence, but nobody dared to give evidence against them lest the next moment they would meet with the same fate from those ruffians. If such acts are committed, if such horrible crimes take place, if the crimes are so heinous, they should not be allowed to take place. Is it not the right of the Government, is it not the bounden duty of the Government, I ask, to protect the people and assure them the Fundamental Rights, especially to the law-abiding citizens? Should they not do it? Some Members on the other side said, there is the ordinary law, and that the people could be protected by the ordinary law. Where is it, I ask? At mid-day, when so many people were present, a man is dragged out of his shop, beaten and belaboured, because he and his fellowmen had not paid their subscription to the pocket fund of some person. So many things like this are going on. I could not tell all these, for my time is short.

Shri Gidwani: When did he rejoin the Congress?

Mr. Deputy-Speaker: That is out of order.

Shri Lakshmayya: I could not get an opportunity earlier to bring all these things to the notice of the House in detail. I would have represented all these things if I had been given an opportunity earlier. I was not lucky. There is another instance where some 30 people went into a village, and at mid-day, when the youngmen of the village were at work in the fields, two persons of the village were belaboured and beaten black and blue. Their houses were looted. Some old people and children were present. What could they do? All this was at about 12 o'clock in the day in the village. Of course the case is *sub judice*, and therefore I shall not go into the merits of it now. In my view a Bill of this nature will be an effective instrument to deal with such criminals. I am only sorry that Government has not made use of it to the fullest extent. The persons, who indulge in subversive acts and antisocial movements should be dealt with by this Act. Some Members said it is shame, it is damn shame to pass this Act. I say again this Act would give immortal fame for Dr. Katju. Also our posterity would express its gratitude to him for protecting our infant democracy and for handing it over in full stature. I am sure the law-abiding citizens will consider him as their guardian for protecting them from the acts of violence, vandalism and goondaism. They would ever be thankful to him for the retention of this Act. The only thing is, it should be made use of fairly cautiously and also sparingly.

Now, in the next Andhra elections, let this be a test.

Mr. Deputy-Speaker: Does the hon. Member come from Andhra?

The Deputy Minister of Home Affairs (Shri Datar): Yes.

Shri Lakshmayya: Let me tell my hon. friend Shri A. K. Gopalan, let this Act be a test in the next elections in Andhra. He said already they have got the verdict of the people. I know what the people are. I know the views of the people. I think they will welcome this measure as a boon conferred on them. We will certainly stand by the verdict of the people of Andhra. I tell you. who is worried about this Act? Is it the common man? The common man wants food and clothing. He wants peaceful living he wants safety to his person and property what little he has got. What does he care for this Act? It is only Shri Gopalan and his friends that are very much worried about this Act. The common man wants safety, security and peace. Therefore, in the interests of democracy, in the interests of development and progress of the country, I think this Bill is necessary and absolutely necessary. There is every justification for passing this piece of legislation.

Mr. Deputy-Speaker: What is the sense of the House? Shall we sit for 15 minutes or half an hour more? Or, shall I put the question to the House straightway? I will put the question, if the House is not willing to sit for half an hour more, straight, to the vote of the House.

Several Hon. Members: No, no.

Mr. Deputy-Speaker: So, the House is not willing.

Shri Raghavachari: Sir, the Business Advisory Committee has allotted one hour for the third reading.

Mr. Deputy-Speaker: In all, 15 hours.

Shri Raghavachari: But, one hour was allotted for the third reading and we started it only twenty minutes ago.

Mr. Deputy-Speaker: The hon. Member was a member of the Business Advisory Committee. Whatever has been passed by that Committee has been made the order of the House. We have now exceeded the total of 15 hours by nearly an hour or so.

Shri A. M. Thomas (Ernakulam): Even according to the time allotted by the Business Advisory Committee, it must go on till 5-15 P.M.

Mr. Deputy-Speaker: It is not so. If hon. Members are willing to sit for another 15 minutes more, I shall allow some more Members to speak.

Several Hon. Members: No, no.

Mr. Deputy-Speaker: Let us sit for 15 minutes more. I shall allow five minutes for each Member.

Shri Punnoose: Sir, in 1952, when we were discussing the Preventive Detention Act, the hon. Prime Minister intervened. He claimed that his Government was a very courageous Government. (*Interruption*).

Mr. Deputy-Speaker: People are impatient. I am prepared to allow Shri Gidwani another five minutes.

Shri Gidwani: I have to go to the President.

Mr. Deputy-Speaker: The hon. Member is entitled to choose either Parliament or President.

Shri Punnoose: In 1952, when the Bill was discussed the Prime Minister claimed that his Government was a courageous Government in having the guts to state that it wanted such a Bill. If that is so, he can today claim that his government is the most courageous government because he has the good fortune to have a series of Home Ministers who have shown increasing courage in bringing forward this Bill. The late Sardar Vallabhai Patel had sleepless nights because of this Bill, but with regard to Dr. Katju, he cannot sleep without a dose of the preventive detention.

Dr. Katju: I have had sleepless days.

Shri Punnoose: The reason being that he will have to answer all kinds of arguments put forward from this side.

[Shri Punnoose]

Therefore, this Government has shown increasing courage to come out more and more openly for Preventive Detention Acts and it was only in the property of things that it was suggested from this side that it may be passed into the statute-book.

Well, there has been a tendency on the part of some Members on the other side to point out to us with the word 'treason' and that particular persons may be detained. The significance is quite clear. Everybody knows that recently the Prime Minister has come out gun and shot against our Party and naturally his disciples have become very enthusiastic. The reason for that is quite clear. Andhra is calling the Prime Minister. He has to be out against our Party; everybody knows that. Also, there was the immediate provocation of the bank employees. It is not a question of the Congress Party trying to hit at the Communist Party or anything of that sort. It may bring disadvantages to our Party, but let it be understood clearly by every Member on the other side that our Party has developed and in spite of them and their leader the Prime Minister, we will stay and grow.

Pandit Thakur Das Bhargava: It is not fair to the Prime Minister or to the Party to say all that, because in the Speeches of the hon. Home Minister and the Deputy Home Minister and the recent speeches of the hon. Prime Minister it has been said many times that so far as the views and ideologies of any Party are concerned, they are not going to use this Act at all and that so far as the activities under this Act are concerned all other Parties are equally subject to it.

Shri Punnoose: I am not dealing with such an airy thing as views I am dealing with the doings of the Party. I am referring to the speeches made by the Prime Minister recently. The question is not whether the Communist Party will be able to develop in the face of the Preventive Detention Act. You have not been able to detain us. You have not been able to prevent us from developing. It is impossible. For us, that is not the question. We are passing through a crucial period, where there is increasing discontent in the country. You must realise that, that is the more important factor.

The Prime Minister was finding fault with us as if we were trying to foment the bank employees' strike. Everybody knows what happened? His own Labour Minister resigned on that score. His Government did a very wrong thing and public opinion was against it. The award of the Appellate Tribunal was tampered with and there was very wide-spread discontent. But, he found it convenient to......

Pandit Thakur Das Bhargava: Finding fault is quite all right. You have been finding fault with us. But, you have not been prosecuted because of your Party.

Pandit K. C. Sharma (Meerut Distt.—South): He acts legally.

Mr. Deputy-Speaker: If nobody has been convinced all these 15 hours, is he going to convince in five minutes?

Shri Punnoose: It is not that. What I want to emphasise is that bank employees had their grievances and therefore they came up. Today I read in the papers that employees of the Defence Department are putting up demands and have given a notice of strike. You go to the small State of Travancore-Cochin. At this moment more than 12 strikes are going on. Have you cared to see why this has happened? Not even in a single instance have the workers put forward a fresh claim or a new demand. Old standards are being attacked; old wages are sought to be reduced; bonuses are denied—bonus which was given in 1953—with the result that there is wide-spread agitation. Look at our peasantry. Fall in prices of the agricultural products has hit them hard. Today people have come from Travancore-Cochin with their sorrows. Representatives of tapioca cultivators have come here with the prayer that they may be helped. But, what is the Government doing. Have you got any solution for these things?

Mr. Deputy-Speaker: Are we going to have a general discussion and then adjourn? We are on the Third Reading now.

Shri Punnoose: Sir, in 1947, 1948 and 1949 this Government thought that within a small period all these difficulties could be grappled with and they could do without the Preventive Detention Act. But, in 1954 they are convinced that as long as they are in power they cannot tackle these problems and the Preventive Detention Act is an inevitable, indispensable part of their existence. That is the only possible conclusion to which we can come and it is this that we oppose. He was telling that if you do not pass it now, the State Legislatures will resort to that. That argument cannot convince us because he knows that there are State legislalatures in 1954 which would oppose such a law as this.

Shri A. M. Thomas: Is the hon. Member aware that in Travancore-Cochin where the P.S.P. Government is in power, they have recommended this measure and here, in this House, Acharya Kripalani and Asoka Mehta fight against this measure?

Shri Punnoose: As long as a Government like this is at the Centre, it will have daughters. A mother will have daughters that would suit the mother.

Mr. Deputy-Speaker: If she has only sons?

Shri Punnoose: In State legislatures it is much more difficult to pass it because what has happened in Andhra will happen in some other States. Therefore, now you are holding out a weapon for all State Governments to put down the people.

Therefore, my objection is that the provisions of this Bill are being used and will be used more often against the people fighting for the redress of their grievances. The Home Minister was making reference to a gentleman in Maharashtra suggesting that hands and legs may be cut off. He was an eminent lawyer. Have we not provisions in the Procedure Code to proceed against such a man? Why not you do it?. The reason is that you have not got the evidence to do that. Therefore, we object to this Preventive Detention Act, not because it may be used against our Party—that we will face when it comes—but because this has been excessively used and will be used against the appealing masses of this country when they fight for the redress of their grievances. That is why we suppose it without compromise.

Dr. Katju: I do not think that I can usefully add anything except this that whatever comes from those benches, I take with a grain of salt. They know that whatever they do has got the basis of violence underneath.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 14th December, 1954.